

**PRESIDENTIAL CAMPAIGN ACTIVITIES OF 1972**  
**SENATE RESOLUTION 60**

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**HEARINGS**  
**BEFORE THE**  
**SELECT COMMITTEE ON**  
**PRESIDENTIAL CAMPAIGN ACTIVITIES**  
**OF THE**  
**UNITED STATES SENATE**  
**NINETY-THIRD CONGRESS**  
**FIRST SESSION**

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**WATERGATE AND RELATED ACTIVITIES**

**Phase I: Watergate Investigation**

**WASHINGTON, D.C., AUGUST 3, 6, 7; SEPTEMBER 24 AND 25, 1973**

**Book 9**



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(Established by S. Res. 60, 93d Congress, 1st Session)



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# PRESIDENTIAL CAMPAIGN ACTIVITIES OF 1972

## PHASE I: WATERGATE INVESTIGATION

FRIDAY, AUGUST 3, 1973

U.S. SENATE,  
SELECT COMMITTEE ON  
PRESIDENTIAL CAMPAIGN ACTIVITIES,  
*Washington, D.C.*

The Select Committee met, pursuant to recess, at 9:35 a.m., in room 318, Russell Senate Office Building, Senator Sam J. Ervin, Jr. (chairman), presiding.

Present: Senators Ervin, Talmadge, Inouye, Montoya, Baker, Gurney, and Weicker.

Also present: Samuel Dash, chief counsel and staff director; Fred D. Thompson, minority counsel; Rufus L. Edmisten, deputy chief counsel; Arthur S. Miller, chief consultant; Jed Johnson, consultant; David M. Dorsen, James Hamilton, and Terry F. Lenzner, assistant chief counsels; R. Phillip Haire, Marc Lackritz, William T. Mayton, Ronald D. Rotunda, and Barry Schochet, assistant majority counsels; Eugene Boyce, hearings record counsel; Donald G. Sanders, deputy minority counsel; Howard S. Liebengood, H. William Shure, and Robert Silverstein assistant minority counsels; Pauline O. Dement, research assistant; Eiler Ravnholt, office of Senator Inouye; Robert Baca, office of Senator Montoya; Ron McMahan, assistant to Senator Baker; A. Searle Field, assistant to Senator Weicker; Michael Flanagan, assistant publications clerk.

Senator Ervin. The committee will come to order.

General Walters, will you stand up, please, sir? Hold up your right hand. Do you swear that the evidence that you shall give to the Senate Select Committee on Presidential Campaign Activities shall be the truth, the whole truth, and nothing but the truth, so help you God?

General WALTERS. I do.

Senator ERVIN. Thank you, sir.

General, suppose you just give us your full name and address for the purposes of the record.

### TESTIMONY OF LT. GEN. VERNON A. WALTERS, DEPUTY DIRECTOR, CENTRAL INTELLIGENCE AGENCY

General WALTERS. My name is Vernon A. Walters. I am the Deputy Director of the Central Intelligence Agency. I am at the present time Acting Director until Mr. Colby is sworn in after having been confirmed by the Senate, and I live in Arlington, Va.

Senator ERVIN. Thank you, sir.

General WALTERS. I am a lieutenant general in the U.S. Army.

Mr. DASH. General Walters, how long have you had the position as Deputy Director of the CIA?

General WALTERS. Since May 2, 1972, that is the day I was sworn in.

Mr. DASH. Prior to obtaining that position, what position did you have?

General WALTERS. I was the Defense attaché to France.

Mr. DASH. How long were you in that position?

General WALTERS. Four and a half years.

Mr. DASH. Prior to your joining the CIA could you just briefly tell us what contacts, if any, you have had with the President of the United States, President Nixon?

General WALTERS. My first contact with President Nixon was when he was Vice President. I was detailed to accompany him on a trip around South America. I went to eight countries with him and served as interpreter, translator, and aide at that time. In two of those countries I was in the car with Mr. Nixon when extreme violence was encountered, mob violence, and if I were to tell this committee that I did not feel admiration and respect for the courage and calmness Mr. Nixon showed at that time, I would not be telling you the whole truth.

Subsequently, I saw—I did not work for Mr. Nixon again during the period between the time he left the Vice Presidency and the time he became President, I saw him perhaps two or three times in those 8 years.

After he became President I went on two or three of the trips abroad he took to countries where I spoke the language and could translate for him. I have not had any private conversation with the President since I became Deputy Director of the Central Intelligence Agency; that is, since May 2.

Mr. DASH. Shortly after you became Deputy Director of the Central Intelligence Agency, did you attend a meeting at the White House with Mr. Haldeman, Mr. Ehrlichman, and Director Helms on June 23, 1972?

General WALTERS. Yes, I did.

Mr. DASH. Could you tell us how that meeting was arranged?

General WALTERS. During the morning of June 23 I received a phone call, I do not recall exactly how, telling me that I was to be there at Mr. Ehrlichman's office on—

Mr. DASH. You say you received a telephone call?

General WALTERS. Yes.

Mr. DASH. From whom?

General WALTERS. I do not know whether I received it personally or my secretary received it just stating I was to be at Mr. Ehrlichman's office from Mr. Helms, it may have come from Mr. Helms' secretary at 1:30 that afternoon. Mr. Helms and I went downtown, we did not know what the subject of the meeting was. We had lunch together and at 1:30 we went to Mr. Ehrlichman's office.

Mr. DASH. All right. Now, will you to the best of your recollection, relate the discussion that was had at that meeting? By the way, who could you say actually was doing most of the talking at the meeting?

General WALTERS. I believe Mr. Haldeman was doing nearly all of the talking. I do not recall Mr. Ehrlichman actually participating actively in the conversation.

Mr. DASH. Now, would you relate to the committee what Mr. Haldeman said and what you or Mr. Helms said?

General WALTERS. Mr. Haldeman said that the bugging of the Watergate was creating a lot of noise, that the opposition was attempting to maximize this, that the FBI was investigating this and the leads might lead to some important people, and he then asked Mr. Helms

what the Agency connection was. Mr. Helms replied quite emphatically that there was no Agency connection and Mr. Haldeman said that nevertheless, the pursuit of the FBI investigation in Mexico might uncover some CIA activities or assets.

Mr. Helms said that he had told Mr. Gray on the previous day, the Acting Director of the FBI, that there was no Agency involvement, that none of the investigations being carried out by the FBI were in any way jeopardizing any Agency activity. Mr. Haldeman then said :

Nevertheless, there is concern that these investigations—this investigation in Mexico, may expose some covert activity of the CIA, and it has been decided that General Walters will go to Director Gray, Acting Director Gray, and tell him that the further pursuit of this investigation in Mexico—

And I wish to emphasize that the only question of investigation involved was Mexico—

the investigation in Mexico, could jeopardize some assets of the Central Intelligence Agency.

Again Mr. Helms said he was not aware of any activity of the Agency that could be jeopardized by this. Mr. Haldeman repeated :

Nevertheless, there is concern that the further pursuit of this investigation will uncover some activity or assets of the CIA in Mexico and it has been decided that you will go and tell this—

Addressed to me—

you will tell this to Acting Director Gray.

Mr. DASH. But, Mr. Walters, could it have been that Mr. Haldeman asked you or Mr. Helms to go to Mr. Gray and—to first inquire at the CIA whether or not there might be some problem at the CIA if there was an investigation in Mexico, rather than saying it was decided that you should go.

General WALTERS. I do not recall it being put in a question form. It was put in a directive form.

Mr. DASH. In other words, you understood that to be a direction.

General WALTERS. I understood that to be a direction and since Mr. Haldeman was very close to the top of the governmental structure of the United States, and as Mr. Helms testified yesterday, the White House has a great deal of information that other people do not have. I had been with the Agency approximately 6 weeks at the time of this meeting. I found it quite conceivable that Mr. Haldeman might have some information that was not available to me.

Mr. DASH. And you did not feel it appropriate at that time to inquire of Mr. Haldeman why it was that he was directing you to go to Mr. Gray and tell that to Mr. Gray?

General WALTERS. No; I did not. If I had felt there was any impropriety in this request I would have given him the same answer I later gave Mr. Dean, that I would resign rather than do it.

Mr. DASH. By the way, did you wonder why it was that Mr. Haldeman said it was decided that you, General Walters, should go to see Mr. Gray and not Director Helms?

General WALTERS. Yes, I did. A number of hypotheses crossed my mind. I thought perhaps he thinks I am military and a lot of people have the mistaken belief that military obey blindly. I thought he might have heard reports that there had been some friction in the past between the FBI and the CIA, and perhaps since Mr. Gray was new

in the job and I was new in the job that that might be a good way to start out. I did wonder about it but I didn't—this was his privilege to do it any way he wished.

Mr. DASH. Now, General Walters, did there come a time when you put in writing, in the form of a memorandum, your recollection of that meeting on June 23, 1972?

General WALTERS. There did, Mr. Dash, 5 days later. When this thing started I did not habitually keep memorandums of my conversations. However, when on the Tuesday, the following Tuesday, Mr. Dean put the question to me or he didn't put the question but explored the possibility of the CIA going bail and paying the salaries of the suspects who were in jail, I realized it was time for me to start keeping a record. So following that second meeting on the 27th I sat down and I wrote memorandums for myself; they were not intended to be a verbatim account of the conversation or to cover all aspects of the conversation but notes to jog my own memory. I wrote a memorandum on the meeting with Mr. Haldeman and Mr. Ehrlichman, I wrote a memorandum on the meeting with Mr. Gray, I wrote a memorandum on my first meeting with Mr. Dean on Monday the 26th, and a memorandum of my second meeting with Mr. Dean on the 27th.

On the 28th I met with Mr. Dean for the third and last time, and I wrote a memorandum, I believe, the following day.

On the subsequent memorandums; namely, my calls on Mr. Gray, I wrote those memorandums either on the same day that I had the talk with Mr. Gray or the following day. If I may, I would like to make one point clear, I have been alleged to have a splendid memory and so forth and here I was making confession that I am afraid will not fit into it.

Mr. Helms was quite right in his testimony yesterday in that the question regarding bail and paying the salaries of these people came up on Tuesday. When I reviewed my notes and before I wrote the affidavit, I did correct this in my affidavit; namely, that the request regarding bail for defendants was on Tuesday.

Mr. DASH. We will get to that and I think you can restate it when I ask you about the meetings with Mr. Dean. I want to show you a copy we have of a memorandum purportedly from you or written by you on June 28 covering the June 23 meeting and ask you if this is a correct copy of the memorandum.

General WALTERS. Right. Yes, Mr. Dash, it is.

Mr. DASH. Mr. Chairman, may that copy be marked as an exhibit and introduced into the record?

Senator ERVIN. I believe this memorandum has previously been marked as exhibit No. 101.\*

Mr. DASH. Now, General Walters, after you left the meeting with Mr. Haldeman and Mr. Ehrlichman, did you leave with Director Helms?

General WALTERS. I did. We walked downstairs and we stood and talked close to the car out on West Executive Avenue and Mr. Helms said to me:

You must remind Mr. Gray of the agreement between the FBI and the CIA that if they run into or appear to be about to expose one another's assets they will notify one another, and you should remind him of this.

\*See Book 7, p. 2948.

I did.

Mr. DASH. And then what did you do?

General WALTERS. I do not recall whether I went back to the Agency or not. I don't think time would have allowed it because the appointment had been made to see Mr. Gray at 2:30 p.m. My recollection is not clear on this, whether I went back to the Agency or whether I stayed downtown. I have a feeling I stayed downtown and at 2:30 I went to see Mr. Gray.

Mr. DASH. Now, was Mr. Gray, by the way, expecting your visit?

General WALTERS. Mr. Gray, I believe, was expecting my visit.

Mr. DASH. How do you know that?

General WALTERS. I believe he has subsequently testified that Mr. Dean had told him that I was on my way down.

Mr. DASH. All right.

Now, would you briefly relate to your best recollection what conversation you had with Mr. Gray at that time? This was on June 23, 1972.

General WALTERS. I said to Mr. Gray that I had just come from the White House where I had talked to some senior staff members and I was to tell him that the pursuit of the FBI investigation in Mexico, the continuation of the FBI investigation in Mexico, could—might uncover some covert activities of the Central Intelligence Agency. I then repeated to him what Mr. Helms had told me about the agreement between the FBI and CIA and he said he was quite aware of this and I intended to observe it scrupulously.

Mr. DASH. Now, did you tell him who gave you the direction to—

General WALTERS. I did not. I told him I had talked to some senior people at the White House.

Mr. DASH. Now, was that the sum and substance of that conversation in Mr. Gray's office?

General WALTERS. I believe so. We had expressed pleasure at meeting one another. I had intended to call on him, and so forth, and anything else that occurred I believe will be covered in the memorandum which is in your possession.

Mr. DASH. I think you testified that you also on June 28 included a memorandum of the meeting with Mr. Gray on June 23. I would like to show you a copy of the memorandum and ask you if this is a correct copy and does it cover the testimony you have just given.

General WALTERS. Yes, it is a correct copy.

Mr. DASH. Mr. Chairman, may that memorandum be marked as an exhibit and be received in evidence?

Senator ERVIN. In the absence of objection by any committee member it is so ordered and will be appropriately marked as an exhibit and received in evidence as such.

[The document referred to was marked exhibit No. 129.\*]

Mr. DASH. Now, after you met with Mr. Gray did you return to your offices at the CIA and—

General WALTERS. Yes; I did.

Mr. DASH [continuing]. And did you make a report of that meeting to former Director Helms?

General WALTERS. And I also started to check on whether this was a fact. I talked to the people at our geographic area that handles Mexico and I am not sure whether this was completed on the Friday

\*See p. 3815.

afternoon or whether it was completed Monday morning, but it was soon clear to me that nobody who was responsible for that area in the Agency felt that the ongoing FBI investigation could jeopardize any of the Agency sources or activities in Mexico.

Mr. DASH. Well, now, did you subsequently receive any communication from anybody at the White House after June 23?

General WALTERS. On Monday morning, June 26, I received a phone call from a man who identified himself as John Dean and he said he wished to speak to me about the matters that Mr. Haldeman and Mr. Ehrlichman had discussed with me on Friday. I did not know Mr. Dean. And I expressed so—something to the effect that I don't know who you are and he said, "Well, you can call Mr. Ehrlichman to see whether it is all right to talk to me or not."

Mr. DASH. Did you call Mr. Ehrlichman?

General WALTERS. I called Mr. Ehrlichman. I had some difficulty in reaching him but finally I reached him and I said: "A Mr. John Dean wants to talk to me about the matters discussed with you and Mr. Haldeman on the preceding Friday" and he said: "Yes, it is all right to talk with him. He is in charge of the whole matter."

Mr. DASH. Did you then meet with Mr. Dean on that day?

General WALTERS. I then—

Mr. DASH. The 26th.

General WALTERS. I then called Mr. Dean again and he asked me to come down and see him, I believe, at 11:30 or 11:45. I believe it is indicated on the memorandum I wrote.

Mr. DASH. Will you relate to the committee the conversation you had with Mr. Dean at that time, on June 26, 1972?

General WALTERS. Mr. Dean said that he was handling this whole matter of the Watergate, that it was causing a lot of trouble, that it was very embarrassing. The FBI was investigating it. The leads had led to some important people. It might lead to some more important people.

The FBI was proceeding on three hypotheses, namely, that this break-in had been organized by the Republican National Committee, by the Central Agency, or by someone else; whereupon I said I did not know who else organized it but I know that the Central Intelligence Agency did not organize it. I said, furthermore—I related to Mr. Dean my conversation with Mr. Haldeman and Mr. Ehrlichman on the previous Friday, and told him I had checked within the Agency and found there was nothing in any of the ongoing FBI investigations that could jeopardize CIA activities or sources or compromise them in any way in Mexico.

He then said, "Well, could this not have happened without your knowledge?" "Well," I said, "originally perhaps, but I have inquired. I have talked to Mr. Helms and I am sure that we had no part in this operation against the Democratic National Committee."

He kept pressing this. There must have been. These people all used to work for the CIA, and all this thing. I said maybe they used to, but they were not when they did it and he pressed and pressed on, on this and asked if there was not some way I could help him, and it seemed to me he was exploring perhaps the option of seeing whether he could put some of the blame on us. There was not any specific thing he said but the general tenor was in this way and I said to him—I did not have an opportunity to consult with anybody—I simply said,



Mr. Dean, any attempt to involve the Agency in the stifling of this affair would be a disaster. It would destroy the credibility of the Agency with the Congress, with the Nation. It would be a grave disservice to the President. I will not be a party to it and I am quite prepared to resign before I do anything that will implicate the Agency in this matter.

This seemed to shock him somewhat. I said that anything that would involve any of these Government agencies like the CIA and FBI in anything improper in this way would be a disaster for the Nation. Somewhat reluctantly he seemed to accept this line of argument and I left.

Mr. DASH. Now, General Walters, since you had made the check prior to seeing Mr. Dean concerning whether in fact any FBI investigation in Mexico would seriously or not seriously involve any covert activities of the CIA, and you reported that to Mr. Dean at this meeting, did you believe that you were responding at that meeting then to the concern that you had received at the earlier meeting from the statement from Mr. Haldeman?

General WALTERS. Yes, Mr. Dash, I did. At the risk of perhaps seeming naive in retrospect it did not occur to me at that time that Mr. Dean would not tell Mr. Gray. Mr. Gray was in touch with Mr. Dean. Mr. Dean told me he was in touch with Mr. Gray. In retrospect I should, of course, have called Mr. Gray directly. I regret that I did not.

Mr. DASH. And you had been informed by Mr. Ehrlichman when you checked as to whether you should talk to Mr. Dean, that Mr. Dean was a person you could talk to, that he was handling the matter?

General WALTERS. That is correct.

Mr. DASH. I think when you were testifying just a little while ago you said that you may have incorrectly put in your memorandum of the June 26 meeting something that should have been in another meeting. I want to show you your memorandum or a writing that appears to be a memorandum prepared by you on June 28 dealing with the conversation you had with Mr. Dean on June 26 and ask you if you want to make a correction as to that memorandum for the record. You will notice, General Walters, that there is an excised portion of that memorandum which has been cut out and on our receipt of that, it appeared to be matters which dealt with national security and, therefore, was excised.

General WALTERS. Fine. I am very appreciative of the committee for doing this.

Yes, it does. If I were to make a correction somewhat complicated it would really be that the fourth paragraph, the sixth and seventh paragraphs belong to the conversation of the 27th rather than the conversation of the 26th.

Mr. DASH. And that dealt with the question of money, bail money from the CIA.

General WALTERS. That is correct. This is a correct copy.

Mr. DASH. It is a correct copy of your memorandum?

General WALTERS. Yes, it is.

Mr. DASH. Mr. Chairman, could we have that memorandum marked as an exhibit and received in evidence?

Senator ERVIN. The memorandum will be appropriately numbered as an exhibit and received in evidence as such.

[The document referred to was marked exhibit No. 130.\*]

Mr. DASH. After that meeting with Mr. Dean on June 26, did you report back to former Director Helms?

General WALTERS. I did. I told Mr. Helms generally what had transpired and he approved of my firm stand with Dean and I related in some detail the various matters that I had discussed with Mr. Dean and the fact that I had told Mr. Dean that no Agency assets would be compromised by the pursuit of the FBI investigation in Mexico.

Mr. DASH. I think you mentioned earlier that you did again meet with Mr. Dean. When did you next meet with Mr. Dean?

General WALTERS. On the following morning, June 27, I received another telephone call from Mr. Dean summoning me down to his office. I went down to Mr. Dean's office. I believe the time is indicated in the memorandum, 11:30 a.m.

Mr. DASH. I think 11:45 a.m.

General WALTERS. 11:45 a.m., and Mr. Dean said that the investigation was continuing, that some of the suspects were wabbling and might talk and I said, "Well, that is just too bad but it has nothing to do with us because nothing that they can say can implicate the Agency." So he again said, "Have you not discovered something about Agency involvement in this matter?" And I said, "No, I have not discovered anything about Agency involvement in this matter." He said, "Is there not something the Agency can do to help?" I said, "I do not see how we can be helpful." Then he said, "Well, would there be any way in which you could go bail or pay the salaries of these defendants while they are in jail?" And I said, "No way. To do so would implicate the Agency in something in which it is not implicated. I will have no part in this."

Again I went through the reasoning of the appalling effect it would have. I made plain to him that if the Agency were to intervene in this, it would become known in the leaking atmosphere in Washington, that it would be a total disaster, and I would like to say, if I may at this point, that I have not spent the whole of my adult life in the Central Intelligence Agency. I joined it for the first time in May of 1972. But I am convinced that an effective CIA is essential if the United States is to survive as a free and democratic society in the rough world in which we live, and I was determined that I would not see it destroyed or implicated as might be desired in this business. I further told Mr. Dean that when we expended funds, covert funds within the United States, we were required to report this to our congressional oversight committees and this seemed to cool his enthusiasm considerably. We had a few more discussions and again he asked me whether there was any way we could be helpful and I said, "No, we could not be."

Mr. DASH. Did you, by the way, at the meeting on June 28—do you have a copy of your memorandum with you?

General WALTERS. Yes, I do.

This is the meeting of the 28th or the memorandum written on the 28th?

Mr. DASH. No. The meeting of the following day, the meeting you have just testified to.

General WALTERS. On the 28th; yes, I do.

\*See p. 3816.

Mr. DASH. Yes. First let me show you your copy of a memorandum you prepared on June 29 of your meeting on June 27 and ask if this is a correct copy of that meeting.

General WALTERS. Yes, it is.

Mr. DASH. Mr. Chairman, if we can have that marked for identification and received.

Senator ERVIN. That will be marked and appropriately numbered as an exhibit and received in evidence as such.

[The document referred to was marked exhibit No. 131.\*]

Mr. DASH. All right, now General Walters, the very next day, it appears that you had another meeting with Mr. Dean.

General WALTERS. That is right.

Mr. DASH. Did you report to former Director Helms on your 27th meeting?

General WALTERS. Mr. Helms was extremely interested in this whole business and I reported to him immediately returning to the Agency on each occasion.

Mr. DASH. On the 28th when you began to write these memorandums, could you tell the committee what caused you to begin to put this down in writing?

General WALTERS. Well, as soon as he broached the question of bail and paying the salaries of these defendants, I realized that for the first time there was a clear indication that something improper was being explored, and I discussed this with Mr. Helms and we agreed, again I don't know whether he or I suggested it, that we write the memorandum, that I wrote the memorandum on these meetings and kept a record of them and that is how the memorandums came to be recorded. It will be noted I wrote practically five of them on the same day to catch up with the past.

Mr. DASH. Yes.

The meeting on the 28th it appears was a fairly significant meeting because it was a followup again of a third meeting that you had with Mr. Dean. Do you have a copy of that memorandum?

General WALTERS. Of my meeting of the 28th?

Mr. DASH. Yes; which you prepared on June 29, 1972.

General WALTERS. Yes, I do have it.

Mr. DASH. Would you read that memorandum in full, General Walters?

General WALTERS [reading]:

On 28 June at 11:30 John Dean asked me to see him at his office in the Executive Office Building. I saw him alone.

He said that the Director's meeting—

That is Director Helms' meeting—

with Patrick Gray, FBI Director, was canceled and that John Ehrlichman had suggested that Gray deal with me instead.

The problem was how to stop the FBI investigation beyond the five suspects. Leads led to two other people—Ken Dahlberg and a Mexican named Guena. Dean said that the \$89,000 was unrelated to the bugging case and Dahlberg was refusing to answer questions. Dean then asked hopefully whether I could do anything or had any suggestions.

I repeated that as Deputy Director, I had no independent authority. I was not in the channel of command and had no authority other than that given me by the Director. The idea that I could act independently was a delusion and had no basis in fact.

\*See p. 3818.

Dean then asked what might be done and I said that I realized he had a tough problem, but if there were Agency involvement, it could be only at Presidential directive and the political risks that were concomitant appeared to me to be unacceptable. At present there was a high explosive bomb but intervention such as he had suggested would transform it into a megaton hydrogen bomb. The present caper was awkward and unpleasant. Directed intervention by the Agency could be electorally mortal if it became known and the chances of keeping it secret until the election were almost nil. I noted that scandals had a short life in Washington and other newer spicier ones soon replaced them. I urged him not to become unduly agitated by this one.

He then asked if I had any ideas and I said that this affair already had a strong Cuban flavor and everyone knew the Cubans were conspiratorial and anxious to know what the policies of both parties would be toward Castro. They, therefore, had a plausible motive for attempting this amateurish job which any skilled technician would deplore. This might be costly but it would be plausible.

Dean said he agreed that this was the best tack to take but it might cost half a million dollars. He also agreed (for the second time) that the risks of Agency involvement were unacceptable. After a moment's thought he said that he felt that Gray's cancellation of his appointment with Director Helms might well be reversed in the next few hours.

Dean thanked me and I left.

Mr. DASH. First, General Walters, where was this meeting to be held on June 28 which was canceled?

General WALTERS. I did not know, Mr. Dash, I did not know what he was talking about. I presume some arrangement outside of me had been made for Director Helms to see Mr. Gray.

Mr. DASH. But in any event, as your memorandum shows, Mr. Ehrlichman had indicated he had preferred Gray meet with you on an ongoing basis.

General WALTERS. This is what Mr. Dean said.

Mr. DASH. Could you tell the committee at least what your impression was concerning that part of your memorandum—where you said this meeting is mostly concerning a Cuban conspiratorial plot and Dean's statement that he agreed that this was the best tack to take but it might cost a half million dollars.

General WALTERS. Yes, Mr. Dash.

Dean went back at this point in the conversation, as I remember it, to the three hypotheses and he was sort of saying, "Who could have done this, who could have done this." He did not indicate at any time that he knew where the origin of this was. Quite frankly at this point my principal purpose was to divert him from pursuing the option of involving the Agency in this. I had read, I believe, about that time an article in the newspaper which put out a hypothesis that the Cubans might have been at the origin of this in order to try to find out what the policies of the Democratic Party would be if it were elected in 1972. This is what I basically said to Dean, that the Cubans had a plausible motive for doing this.

Mr. Dean, obviously understood this as a suggestion of mine that he should try to blame the Cubans. In retrospect, as is so often said here from this table, I should have corrected him. Frankly, I was so relieved at seeing him apparently abandoning the idea of involving the Agency or at least retreating on the idea of involving the Agency that I did not correct his impression when he said he obviously thought I was suggesting that he could buy the Cubans.

Mr. DASH. Would that be the inference that Mr. Dean's statement that it might cost a half million dollars would actually require paying somebody off or take this position?

General WALTERS. I think so, but I would just like to state Agency involvement could not be hidden because the Cubans could not be sustained. I should have corrected Mr. Dean at this point and said this was not what I was meaning. I was advancing a theory, but I did not correct him.

Mr. DASH. You have read your memorandum and I have an exact copy of the memorandum here. I would like to show it to you—dated June 29 covering your meeting with Mr. Dean on June 28—and ask you to look at it and indicate if this is a copy.

General WALTERS. Yes, it is.

Mr. DASH. Mr. Chairman, may I have this memorandum marked as an exhibit and received in evidence?

Senator ERVIN. It will be appropriately numbered as an exhibit and received in evidence as such.

[The document referred to was marked exhibit No. 132.\*]

Mr. DASH. Did you receive, General Walters, a call from Mr. Gray on July 5?

General WALTERS. Yes.

Mr. DASH. 1972?

General WALTERS. Yes, Mr. Dash, I did. At 5:50 in the evening.

Mr. DASH. Could you tell us briefly what that call was about?

General WALTERS. I believe that Mr. Gray said to me at this point that the pressures were mounting to continue the investigation and that unless he received a written letter from Mr. Helms or from me to the effect that the further pursuit of this investigation in Mexico would uncover CIA assets or activities he would have to go ahead with the investigation. I did not wish to discuss this with Mr. Gray over the telephone. I told him I would come down and see him the first thing the next morning. This was at the end of the business day. It was at 5:50 in the evening.

Mr. DASH. Did you go down the next morning and see him?

General WALTERS. Yes, I did.

Mr. DASH. Would you briefly tell the committee what the nature of your conversation was with Mr. Gray at that time?

General WALTERS. I told Mr. Gray right at the outset that I could not tell him and even less could I give him a letter saying that the pursuit of the FBI's investigation would in any way jeopardize CIA activities in Mexico. I told him I had to be quite frank with him. I recounted the meeting with Mr. Haldeman, Mr. Ehrlichman. I told him that I had seen Mr. Dean on three occasions, that I had told Mr. Gray what Mr. Dean had told me. Mr. Gray seemed quite disturbed by this, and we both agreed that we could not allow our agencies to be used in a way that would be detrimental to their integrity.

Since I am discussing what someone else said I would like to refer here to my memorandum. Now this memorandum, unlike the others was written, I believe, on the same day that I saw Mr. Gray.

Mr. DASH. Yes, would you refer to your memorandum and read what you want from it?

General WALTERS. I think basically this was it, I said I could not give him a letter to this effect. I could not tell him this and I could not give him a letter to the effect that further investigation would compromise assets of the CIA. He said he understood this. He himself had told Ehrlichman and Haldeman that he could not possibly suppress the investigation in the matter; even within the FBI there were leaks.

\*See p. 3819.

He had called in the components of his field office and chewed them out for these leaks. I said the only basis on which he and I could deal was absolute frankness and I wished to recount my involvement in the case. I told him of a meeting at the White House with Mr. Helms. I did not mention Haldeman or Ehrlichman's name. I told him that I had been directed to tell him that the investigation of this case further in Mexico could compromise some CIA activities. Subsequently, I had seen Mr. Dean, the White House counsel, and told him that whatever the current unpleasant implications of the Watergate were that to implicate the Agency would not serve the President, would enormously increase the risk to the President. I had a long association with the President, and was desirous as anyone of protecting him. I did not believe that a letter from the Agency asking the FBI to lay off this investigation on the spurious grounds that it would uncover covert operations would serve the President.

Such a letter in the current atmosphere of Washington would become known and could be frankly electorally mortal. I said quite frankly, I would write such a letter only on direction from the President and only after explaining to him how dangerous I thought his action would be to him, and if I were really pushed on this matter I would be prepared to resign. Mr. Gray thanked me for my frankness. He said he could not suppress this investigation within the FBI. He had told Mr. Kleindienst this, he had told Mr. Ehrlichman and Mr. Haldeman that he would prefer to resign, but that his resignation would raise many questions. It would be detrimental to the President's interest. He did not see why he or I should jeopardize the integrity of our organization to protect some middle-level White House figure who had acted imprudently. He was prepared to let this go to Ehrlichman, to Haldeman, or to Mitchell. He felt it was important that the President should be protected from his would-be protectors. He had explained to Dean as well as to Haldeman and Ehrlichman; he had explained this.

Finally, I said that if I were directed to write a letter to him saying the future investigation of this case would jeopardize the security of the United States in covert operations of the Agency I would ask to see the President and explain to him the disservice I thought this would do to his interest. The potential danger to the President of such a course far outweighed any protective aspects it might have for other figures in the White House and I was quite prepared to resign on this issue. Mr. Gray said this was a very awkward matter for this to come up at the outset of our tenure, he looked forward to good relations between our two agencies, thanked me for my frankness and that was it.

Mr. DASH. I would like to show you a copy we have of your memorandum of July 6, covering your meeting on July 6 and ask you if this appears to be a correct copy.

General WALTERS. Yes; it does.

Mr. DASH. Mr. Chairman, may we have this exhibit marked and received in evidence.

Senator ERVIN. This memorandum was previously marked as exhibit No. 97\* and is already part of the record.

\*See Book 7, p. 2913.

Mr. DASH. Did there come a time, several days after, that you met with Mr. Gray again, Acting Director Patrick Gray?

General WALTERS. Yes; I did.

Mr. DASH. Could you tell us the purpose of that meeting and what was discussed at that time?

General WALTERS. We had been passing—

Mr. DASH. In other words, when was this?

General WALTERS. It was on July 12, Mr. Dash. In the meantime, the CIA had been cooperating fully with the FBI investigation, passing them all the material we had on these former employees of ours and any other matters that were of interest to them. We were continuously passing them memorandums, and I believe that on this day I was still Acting Director, Mr. Helms was in Australia or on his way back from Australia, and as I recall it, I gave him another memorandum on this date covering various things that had been brought out that we had given Hunt, concerning the assistance given to Hunt, which had been terminated in August 1971.

Mr. DASH. Now, during this meeting with Mr. Gray, did Mr. Gray tell you that he had received a call from the President?

General WALTERS. Yes; he did.

Mr. DASH. Could you read that part of your memorandum where he discussed that call?

General WALTERS. He said: "Last Friday"—I believe that may have been the day of my previous conversation with him. I do not have a calendar in front of me. This was written on the 12th. It was the preceding Friday. He had received a phone call from the President.

The President had called up to congratulate him on the FBI action which had frustrated the airplane hijacking in San Francisco. Toward the end of the conversation the President asked him if he had talked to me about the case. Gray replied that he had. The President then asked him what his recommendation was in this case. Gray had replied that the case could not be covered up and it would lead quite high and he felt the President should get rid of the people that were involved. Any attempt to involve the FBI or the CIA in this case would almost prove a mortal wound.

Then I put in brackets: He used my words because these were the words I had used in talking with Mr. Gray.

The President then said:

Then, I should get rid of the people that were involved no matter how high? Gray replied that was his recommendation. The President then asked what I thought and Gray said my views were the same as his. The President took it well and thanked Gray.

In all fairness I must say that Mr. Gray did tell me—I did not put it in here that the President had told him to go ahead with his investigation.

Do you wish me to go on reading?

Mr. DASH. Does that complete Mr. Gray's statement to you concerning his call from the President?

General WALTERS. Yes, it did. We again philosophized some more as is shown in the memorandum concerning the need for the President to be protected from his would-be protectors.

Mr. DASH. I would like to show you your memorandum of July 13, which deals with this meeting with former Acting FBI Director L. Patrick Gray and ask if this is a correct copy?

General WALTERS. Yes, it is.

Mr. DASH. Mr. Chairman, may we have this memorandum marked as an exhibit and received in evidence?

Senator ERVIN. This memorandum will be marked appropriately as an exhibit and received in evidence as such.

[The document referred to was marked exhibit No. 133.\*]

Mr. DASH. Did you have occasion on July 28, 1972, to call on Mr. Gray again?

General WALTERS. Yes, I did.

Mr. DASH. And could you tell us briefly what the purpose of that visit was?

General WALTERS. Briefly, I came down to give him additional information for which he had asked relating to one of our people who had been in contact with Mr. Hunt during August 1971. I gave him additional data concerning this and concerning contacts with Mr. Hunt. I believe they are identified in the memorandum.

Toward the end of the conversation Gray asked me, and I am here reading, if the President had called me on this matter and I said that he had not.

"Gray then said that a lot of pressure had been brought on him in this matter but he had not yielded."

I cannot read mine——

Mr. DASH. There it is a fairly——

General WALTERS. Mine is very poor reading here. Anyway, anything to destroy the integrity of our two agencies would be the worst disservice we could do to the President and I would not do it. He said he would not either, but he made some reference to money which was not totally clear to me.

I then told him we would terminate a phone which we had which had been a number which had been given to Hunt to contact us 2 or 3 years before and he then said, "This is a hell of a thing to happen to us at the outset of our tenure with our respective offices," and I very heartily agreed.

Mr. DASH. Did you know what this reference to Mr. Hunt and any assistance that had been given Mr. Hunt from the CIA was all about?

General WALTERS. As you know, Mr. Dash, all this occurred 1½ years before I came to the Agency. I really was not familiar with it. The Agency was continually passing to the FBI material that was uncovered concerning this contact or assistance to Mr. Hunt, I believe. One of the memorandums I took to Mr. Gray really summed up a whole series of shorter memorandums we had sent him and this was just an ongoing process.

After this date, July 28, I no longer participated in this process. It was done directly through our liaison to the FBI, through Mr. Colby.

Mr. DASH. I take it, the memorandum and the references to the contacts with Mr. Hunt related back to the prior year, July 1971——

General WALTERS [interrupting]. Yes, they did.

Mr. DASH [continuing]. Meeting that General Cushman had with Mr. Hunt.

General WALTERS. That is correct.

Mr. DASH. I would like to show you a copy we have of your memorandum dated July 28, covering your meeting with Mr. Gray on that same day and ask if it is a correct copy. And you will notice there are

\*See p. 3821.



some excisions there of names that were excised because of national security reasons.

General WALTERS. Yes. It is as bad a Xerox copy as mine.

Mr. DASH. Yes.

Mr. Chairman, may that memorandum be appropriately marked and received in evidence?

Senator ERVIN. The memorandum will be appropriately numbered as an exhibit and received in evidence as such.

[The document referred to was marked exhibit No. 134.\*]

Mr. DASH. When was your next contact with anybody at the White House, General Walters? Was this your last series of meetings? I think you said from there on in the contacts with the CIA and FBI were taken up by somebody else.

General WALTERS. Yes. On this matter, certainly. Obviously, in my job, I attend the meetings at the White House relating to foreign policy, and so forth, that had nothing to do with this in the meantime.

Mr. DASH. Did there come a time sometime later, when you had another meeting or call from Mr. John Dean?

General WALTERS. I did not have a call from Mr. John Dean. I think Mr. John Dean had gotten my message loud and clear. The next time he had business with the Agency he did not call me. He called the new Director, Dr. Schlesinger. I believe that was on February 9, 1973, if I am correct. And Dr. Schlesinger has, I believe, submitted a memorandum for the record, covering this call from Mr. Dean. I was not in Dr. Schlesinger's office when Mr. Dean called and my only knowledge of this is the memorandum and what Dr. Schlesinger told me about Gray's—about Dean's call.

Mr. DASH. And do you have a copy of that memorandum from—  
General WALTERS. Dr. Schlesinger's memorandum?

Mr. DASH. Yes.

General WALTERS. Yes, I do.

Mr. DASH. Can I show you a copy of a February 9, 1973, memorandum, which I think you are referring to, and ask you if this is a correct copy.

General WALTERS. Yes, it is, and it, too, was made on the same poor copy.

[The document referred to was marked exhibit No. 135.\*\*]

Mr. DASH. Yes. Could you briefly tell us what was the nature of that contact that Mr. Dean had with Mr. Schlesinger?

General WALTERS. I believe—and here I go to the memorandum—

He adverted to a package of material that had been sent—

By the CIA—

to the Department of Justice in connection with the Watergate investigation. He suggested that Justice be requested to return this package to the Agency. The only item that would be left in Justice would be a card in the files indicating that the package had been returned to the Agency—

At its request—

since the material in the package was no longer needed for the purposes of the investigation. He indicated that the Agency had originally provided these mate-

\*See p. 3823.

\*\*See p. 3825.

rials to the Department of Justice at the request of the Attorney General and Mr. Howard Petersen.

Then he referred to some ITT matters, which is unrelated.

Mr. DASH. Although this was not your memorandum, do you know what the package of materials was referred to here that the Agency had given to Mr. Petersen?

General WALTERS. I don't have personal knowledge of it, Mr. Dash, but my understanding is that it was all of the written material and I believe also the photographs that were taken by the camera which was why it was called a package.

Mr. DASH. Under what circumstances were pictures taken with a camera?

General WALTERS. I believe when it was furnished, after it was furnished to Hunt by whoever used the camera at that time.

Mr. DASH. Were you informed by Mr. Schlesinger or others that this dealt with the Ellsberg matter?

General WALTERS. I don't believe Mr. Schlesinger was familiar with the package. Mr. Schlesinger just—incidentally, I would like to say at this point when Mr. Schlesinger came to the Agency in late January or early February I did briefly go over these various approaches that had been made to the Agency and to myself so that he was generally familiar with the background of this. I do not believe Mr. Schlesinger knew the details. I do believe that he and I agreed that for the Agency to request the Department of Justice to return these materials would simply leave an arrow in the file pointing at Langley.

Mr. DASH. Either at that time or afterward, have you been informed as to what package of materials, which you saw, were either written materials and photographs, did deal with the attempt to get information from Mr. Ellsberg's psychoanalyst?

General WALTERS. I really do not know, Mr. Dash. As far as I understand it, I understood the package to mean all of the material that the Agency had passed to the Department of Justice from the beginning of the inquiry and all of the material, all of the assistance, all of the equipment that had been given to Hunt.

Mr. DASH. All right.

Now, were you asked by Mr. Schlesinger to take any action with regard to Mr. Dean's request?

General WALTERS. Dr. Schlesinger discussed this and agreed the request was out of the question. Dr. Schlesinger then asked me to do—to go down and tell Mr. Dean this.

Mr. DASH. And you did?

General WALTERS. I did.

Mr. DASH. Could you tell us, when did you meet with Mr. Dean and have this discussion?

General WALTERS. When I called Mr. Dean he was in Florida and it took me quite a while to get hold of him. I left word at his office saying I wished to be in touch with him and I finally got a call. An appointment was made on, I believe, for February 21. On February 21, and this is a very short memorandum—if the committee will bear with me I would like to read it.

Mr. DASH. Why don't you read the memorandum?

General WALTERS [reading]:

At the request of the Director, Dr. Schlesinger, I called on Mr. John Dean at his office in the White House at 1430—

That is 2:30 in the afternoon.

I explained to him that, in connection with his request that the Agency ask the Department of Justice to return a package of material that had been sent to them in connection with the Watergate investigation, it was quite impossible for us to request the return of this as this would simply mean that a note would be left in the Department of Justice files that the material had been sent back to the Agency, and we had been asked not to destroy any material in any way related to this case. I again told him there was no Agency involvement in this case and that any attempt to involve the Agency in it could only be harmful to the United States. He seemed disappointed. I then left.

Mr. DASH. I would like to show you a copy we have of your May 11 memorandum and ask if this is a correct copy.

General WALTERS. May I say one more word about the memorandum?

Mr. DASH. Of course.

General WALTERS. I did not write a memorandum on this conversation. In early May, Dr. Schlesinger, who was having a thorough inquiry made into all the aspects of this case, asked me whether I had made a memorandum on it. I said I had not. He asked me to make one and that is the memorandum I wrote which was written some 2 months subsequently.

Mr. DASH. May I show you your copy of the memorandum that you prepared on May 11, 1973 and ask you if it is a correct copy?

General WALTERS. It is.

Mr. DASH. Mr. Chairman, may we have that memorandum marked and received in evidence?

Senator ERVIN. The memorandum will be appropriately marked as an exhibit and received in evidence as such.

[The document referred to was marked exhibit No. 136.\*]

Mr. DASH. Did there come a time shortly after you prepared that memorandum when you put all of the recollections you had concerning your meetings with the White House and with former Acting Director Gray in the form of an affidavit?

General WALTERS. Yes.

Mr. DASH. Would you tell us the circumstances that led you to put your recollections of these meetings and discussions you had in the form of an affidavit?

General WALTERS. I was in the Far East in early May and when I came back Dr. Schlesinger—in fact, Dr. Schlesinger called me back. He had asked anyone in the Agency who had had any connection with this case whatsoever to write an affidavit. I did so and those are the circumstances of the writing of the affidavit.

Mr. DASH. And that affidavit does include in substance all of the matters that you have testified to here concerning your meetings with the White House and with Mr. Gray?

General WALTERS. To the best of my knowledge, it does.

Mr. DASH. I show you a copy that we have of the affidavit dated May 12, 1973, and ask you if it is a correct copy?

General WALTERS. Yes. It is a correct copy.

Mr. DASH. Mr. Chairman, may we have that affidavit appropriately marked for identification and admitted in evidence?

Senator ERVIN. It is so ordered.

[The document referred to was marked exhibit No. 137.\*\*]

\*See p. 3827.

\*\*See p. 3828.

Mr. DASH. Mr. Chairman, I have no further questions.

Senator ERVIN. Mr. Thompson.

Mr. THOMPSON. Thank you, Mr. Chairman.

General WALTERS, as I understand it, it was your feeling and is your feeling that on June 23 you were being asked to deliver a message which would in effect limit the Watergate investigation with regard to the Mexican part of it because of the possibility of either compromising some covert CIA activities or CIA employees, is that correct?

General WALTERS. Yes, it is.

Mr. THOMPSON. It seems to me that the crucial question is whether or not you were being told to deliver a message to limit the investigation in any other respect. Were you or were you not?

General WALTERS. I was not, Mr. Thompson.

Mr. THOMPSON. All right. As of June 23 did you know the names of the people who had been apprehended inside the Democratic National Committee headquarters?

General WALTERS. I had read the names in the newspapers, yes.

Mr. THOMPSON. Did you realize that Mr. McCord, for example, was a former CIA employee?

General WALTERS. I believe I did know this, yes.

Mr. THOMPSON. Did you know Mr. McCord personally?

General WALTERS. I did not.

Mr. THOMPSON. Did you realize that Mr. Hunt was a former CIA employee?

General WALTERS. Yes, I did.

Mr. THOMPSON. Did you realize Mr. Sturgis was?

[General Walters nods in affirmative.]

Mr. THOMPSON. Did you realize that Mr. Martinez was still on retainer by the CIA?

General WALTERS. I don't believe that he was still on retainer at that time.

Mr. THOMPSON. Did you know he had been on retainer or an employee at any previous time?

General WALTERS. I believe it came out within discussions within the Agency that these men had previously been employed by the Agency.

Mr. THOMPSON. All right. Did you realize that Mr. Barker had been a CIA employee in the past?

General WALTERS. I believe I knew that all of these men that you have mentioned were.

Mr. THOMPSON. With regard to the Mexican aspects, if I remember correctly, certain checks, allegedly at this point, were funneled through Mexican banks and they wound up in the bank account of Mr. Barker in Miami. Have you since understood that to be the case?

General WALTERS. I since have understood it, but at the time I was not aware of what the Mexican investigation was about.

Mr. THOMPSON. I see. But you now realize, at least according to the best of your information, that there were checks which I think involved Mr. Ogarrio, whose name has been mentioned, which were funneled through a Mexican account to the bank account of Mr. Barker in Miami, and that some of those funds from that account, I believe, were taken from some of the defendants apprehended in the DNC. Is that correct?

General WALTERS. I am aware of this in general but I do not know the details.

Mr. THOMPSON. All right. But you were not aware of that at your meeting on June 23?

General WALTERS. No, I was not.

Mr. THOMPSON. With regard to your memorandum of June 28, which recounts your meeting on June 23, and I believe you stated since writing that memorandum, in a covering note submitted to the Senate Appropriations Subcommittee, dated May 18, that although there is a reference in your memorandum of June 28 that Mr. Haldeman said it was the President's wish that this be done, that you now believe that he did not in fact say that. Is that—

General WALTERS. When I showed the memorandum to Mr. Helms he said it was not his recollection that the President's name had been used. I did not correct the memorandum. The memorandum was for my own personal use and I did not use it. I did not feel strongly one way or the other about this. I am not sure whether Mr. Haldeman has testified to whether he used it or not.

Mr. THOMPSON. I am scanning your covering note dated May 18. It is my understanding that as of the time you wrote the note that if you had to come down on one side or the other as of that time it was your belief that he did not in fact say this. Is that a correct statement?

General WALTERS. I think that would probably be correct.

Mr. THOMPSON. All right. Then the memorandum—

General WALTERS. If I may just for a second, Mr. Thompson, as I say, I don't have a strong recollection one way or another. We were in Haldeman's office. Presumably his power derived from this. Mr. Helms said he didn't recollect it. I didn't recollect it strongly enough to challenge Mr. Helms. I accepted Mr. Helms saying: "No, he did not remember it."

Mr. THOMPSON. Mr. Haldeman has testified that this matter was discussed with the President.

General WALTERS. That is right.

Mr. THOMPSON. It is not really an issue. It is really a matter of memory.

General WALTERS. And I did not feel strongly enough to challenge Mr. Helms' statement that he did not recall the name.

Mr. THOMPSON. All right. According to your testimony this morning, do you believe also that a discussion of bail occurred on Tuesday?

General WALTERS. Tuesday the 27th?

Mr. THOMPSON. Tuesday the 27th?

General WALTERS. Yes.

Mr. THOMPSON. I believe you have it here in your conversation of the 26th. Is that correct?

General WALTERS. That is right.

Mr. THOMPSON. So that would be an error in this regard.

General WALTERS. I had straightened it out in my affidavit.

Mr. THOMPSON. Yes, sir; I understand.

Let me ask you this. When you had this conversation on the 23d, what time of day was it?

General WALTERS. I believe it was 1:30 in the afternoon.

Mr. THOMPSON. 1:30 p.m.?

General WALTERS. It was postponed. I recall it was postponed either an hour or a half-hour.

Mr. THOMPSON. Then you had your meeting later that same afternoon with Mr. Gray.

General WALTERS. About an hour later.

Mr. THOMPSON. At 2:30 p.m., I believe, according to your memorandum. Do you recall about how long your meeting lasted with Haldeman and Ehrlichman?

General WALTERS. Ten, 15 minutes.

Mr. THOMPSON. Did you go directly from your meeting with Haldeman and Ehrlichman to your meeting with Mr. Gray?

General WALTERS. I think I have testified already, Mr. Thompson, I don't really remember what I did. I don't think I would have had time to go back to the office. I know I separated from Mr. Helms at this point and he went back to the office.

Mr. THOMPSON. Where is the CIA office?

General WALTERS. It is way out at Langley. It is 8 or 9 miles out of Washington.

Mr. THOMPSON. You would have had to go out 8 or 9 miles and travel back 8 or 9 miles to the Justice Department?

General WALTERS. Yes. As I recall it, I just killed time in downtown Washington.

Mr. THOMPSON. All right. Your memorandum stated:

On leaving the White House I discussed the matter briefly with the Director. Upon returning to the office I called Gray and indicated it was a matter of some urgency and he agreed to see me at 2:30 p.m.

So that evidently was incorrect. Would that be——

General WALTERS. I would say it is perhaps incorrect. I can't guarantee it is incorrect. I may have driven straight out and called from the office and driven straight back.

Mr. THOMPSON. All right, sir.

What was your normal practice with regard to following up meetings or particular events which you participated in with memorandums?

General WALTERS. When I was an interpreter I wrote long memorandums, Mr. Thompson. Since I was at CIA generally there would be someone else who makes notes of meetings. These were the only memorandums I think I wrote since I have been with the CIA.

Mr. THOMPSON. These you submitted to us are the only ones you have written since you have been there?

General WALTERS. That is right.

Mr. THOMPSON. I notice that the memorandums of the June 23 meeting was not written until June 28, is that correct?

General WALTERS. That is correct.

Mr. THOMPSON. But when you started writing memorandums they became very prompt, I noticed. First of all, the June 28 meeting you wrote up June 29. July 5 meeting you wrote the same day. July 6 meeting you wrote the same day. July 12 meeting you wrote the next day, the 13th. The July 28 meeting you wrote the same day. What caused you to start systematically writing memorandums of the events that were taking place?

General WALTERS. Mr. Dean's exploration of whether the Agency could produce bail and pay the salaries of defendants while they were in jail.

Mr. THOMPSON. Reference in your memorandum dated July 6, 1972, you did not see why he, referring to Gray, "or I should jeopardize the integrity of our organizations to protect some middle-level White House figures who had acted imprudently." To whom were you referring?

General WALTERS. I do not think we had anybody specific in mind. I certainly did not know who might be behind this.

Mr. THOMPSON. Who were you dealing with that you might consider middle level at the White House?

General WALTERS. Middle-level figures, I would say would be Mr. Dean. But there may have been other middle-level figures, I did not know who these middle-level figures might be. I did not know who would be behind this.

Mr. THOMPSON. Would you consider Haldeman middle level?

General WALTERS. No.

Mr. THOMPSON. What was your feeling with regard to Mr. Dean when you were dealing with him, when you were talking about these matters with him?

General THOMPSON. At which point in the conversation, Mr. Thompson?

Mr. THOMPSON. Well, start from the beginning, start with the first meeting you had with him on the 26th and tell us what your thoughts were based upon those conversations as you began to meet with him; what his interests might be.

General WALTERS. Well, I first of all was struck by his insistence that the Agency was in some way involved. He pursued this, it could not have been without your knowing it, is not there some way, it must have been, look, all these people used to work for the CIA, and so forth and so on. This is the first thing that struck me was his insistence of trying to draw us into it, which made me think he was exploring this option, which is what made me tell him that I would resign rather than have the Agency participate in any attempt to stifle this.

Mr. THOMPSON. Did you conclude in your own mind that possibly some of the people directly involved might be working for some of Mr. Dean's friends who had intermediaries?

General WALTERS. This thought did cross my mind.

Mr. THOMPSON. I have no further questions, Mr. Chairman. Thank you.

Senator ERVIN. Senator Montoya.

Senator MONTOYA. General Walters, you indicated that you, and other witnesses have similarly indicated, that certain memorandums with respect to the investigation in-house at the CIA was given to the FBI, am I correct in that statement?

General WALTERS. Yes. Senator.

Senator MONTOYA. Would you tell us what was in that particular memorandum or in any other communications to the FBI?

General WALTERS. I believe that most of these memorandums, Senator, referred to matters that had occurred before I came to work at

the Agency. There are, I believe, several memorandums in the possession—the memorandum, for instance, which I gave Mr. Gray on the 6th contains a recapitulation of the various pieces of information we had been steadily sending to the FBI, I believe, since June 20.

Senator MONTROYA. In capsule form, what did this memorandum indicate?

General WALTERS. I believe it indicated Hunt's call at the Agency, the equipment that had been furnished to him, and so forth.

Senator MONTROYA. What kind of an investigation did you conduct in-house after you were called to the White House for this conference with Mr. Haldeman and Mr. Ehrlichman?

General WALTERS. I talked to the people in the Agency who were responsible for operations in Mexico, and it was through them that I received the assurance that the FBI inquiries in Mexico would not jeopardize or compromise any of the CIA's operations in that area.

Senator MONTROYA. What kind of investigation did you conduct with respect to the possible background and possible connection of the defendants who had been arrested at the Watergate?

General WALTERS. I believe that Mr. Helms ordered the—our security and personnel people to provide all necessary information to the Department of Justice and the FBI—I am sorry, to the FBI on this.

Senator MONTROYA. And did you, as a result of this investigation, uncover the fact that Eugenio Martinez was on retainer at that time?

General WALTERS. I believe we did, Senator.

Senator MONTROYA. Did you communicate this to the Department of Justice and to people in the White House?

General WALTERS. I personally did not. A great deal of communication was going on, Senator, between our personnel and security people and the Department of Justice and the FBI. Whether it was communicated to the White House or not, I am not in a position to answer.

Senator MONTROYA. Were there any communications with respect to this investigation delivered to the White House?

General WALTERS. I am not aware of any, Senator.

Senator MONTROYA. Why did you omit this in view of the fact that you had been in contact with Mr. Ehrlichman, Mr. Haldeman, and Mr. Dean? Did you not feel that the White House should know about the possible involvement of a man on retainer to the CIA by the name of Eugenio Martinez?

General WALTERS. I believe the FBI was being kept fully informed and I believe the FBI would keep the White House fully informed of the pursuit of this investigation.

Senator MONTROYA. I am not trying to cross you up or anything like that, General Walters, I am merely asking you to see if you can recall whether or not anyone in the CIA communicated with anyone in the White House with respect to the in-house investigation and what you uncovered with respect to these individuals.

General WALTERS. I personally have no knowledge of any such communications, Senator. The FBI was the investigating body and, as I understand it, all of the information which became available to us was furnished to them.

Senator MONTROYA. With respect to your conversations with Mr. Gray, was there any mention made in your conversations with him



that possibly the information which you were imparting to him might be communicated to the White House?

General WALTERS. No, sir, I do not believe—I thought it would be inappropriate for me to try to tell Mr. Gray how to run his Agency.

Senator MONTOKA. Now, as you look back to the conversations starting on June 23 and the subsequent conversations with White House people, including Mr. Dean, is it your feeling, as you look at this thing in retrospect, that the White House, those individuals with whom you talked were trying to use you for some ulterior motive?

General WALTERS. I would say I must draw a distinction between the two contacts I had with two different people in the White House. As I have testified earlier, I had no reason to doubt that Mr. Halderman might not have information to which I was not privy that the further conduct of the investigation in Mexico might jeopardize covert Agency activities.

Senator MONTOKA. Are you being charitable there, General?

General WALTERS. Senator, I do not believe so. As I testified earlier, if I had thought that Mr. Halderman was asking me to do something that was improper I would have made the same threat to resign to him that I did to Mr. Dean the first time Mr. Dean made a suggestion I considered improper.

Senator MONTOKA. How did you interpret the mandate which he gave you to go to Mr. Gray and to tell Mr. Gray when he had no information, for you to tell Mr. Gray that an FBI investigation in Mexico might endanger CIA activities?

General WALTERS. I interpreted this as meaning that Mr. Halderman had some information which I did not have. I would like to go back to this time and say that the idea of impropriety or improper action, I had no reason to doubt the word of a very senior official of the U.S. Government.

Senator MONTOKA. Did you think at that moment about asking him what his background information might be as a premise for the directive or mandate which he had given you?

General WALTERS. No, sir, I did not.

Senator MONTOKA. Had you thought about it since?

General WALTERS. Obviously, there is no sight like hindsight but given the relative nature of our positions, I still have somewhat of a feeling it might have been inappropriate to ask him. The White House bears a great responsibility, they have to do things other people do not.

Senator MONTOKA. Why would it have been inappropriate, General, why?

General WALTERS. Sir, if in all our dealings with the White House we doubted what they told us we would have a very difficult time. I did not feel it was appropriate to ask it because I did not think there was anything improper in it.

Senator MONTOKA. Well, on June 23 you had been reading the newspapers; you knew that some of these people were involved with the Committee To Re-Elect the President and that they had been arrested and had been in jail, and that they had connections, previous connections, with CIA. You knew the whole context and, still you did not think of asking for some kind of clarification with respect to the mandate which had been delivered to you by Mr. Halderman?

• General WALTERS. Sir, Mr. Haldeman indicated to me that he might have information which I did not have. What I would really have been asking him is White House sources; how he had found something out, had I asked him where he got this information from.

Senator MONTAÑA. Did you in your conference with Mr. Gray try to develop a dialog with respect to possible reasons that the White House might have in giving you this directive?

General WALTERS. No, sir. I transmitted the message to Mr. Gray. He made some reference to some people whose names meant nothing to me, like Ogarrio and Dahlberg.

Senator MONTAÑA. General Walters, in view of the experience of CIA in this particular matter and the attempts made by some people at the White House to involve CIA in tasks which were ultravires or outside of the scope of the Agency, what recommendations do you have to make to this committee so that this might not occur in the future?

General WALTERS. Senator, I think it would really be presumptuous of me to try to tell this committee what legislation could be effective in this respect. I must, however, associate myself with what Mr. Helms said in reply to your question yesterday, Senator, that I do not know how you legislate honesty and decency, you have got to pick the right people for these jobs above all else. There was obviously some legislation that could be effective but I think the most important thing is the selection of the right people for positions of trust.

Senator MONTAÑA. Well, do you feel that there should be some provision in the law governing CIA requiring the Director or Deputy Director or any other employee to report to an oversight committee in the Congress when someone in the executive department or any other department tries to use CIA for political purposes?

General WALTERS. That could be one solution to prevent a recurrence, Senator, yes.

Senator MONTAÑA. Thank you very much, General, those are all the questions I have.

Senator ERVIN. There is a vote on in the Senate so we will have to suspend until the members of the committee can get over and vote and return.

[Recess.]

Senator ERVIN. The committee will come to order.

I am informed by counsel that Senator Montoya had finished except he wanted to have read into the record a memorandum, and without objection I will let counsel read that memorandum and then recognize Senator Weicker.

Mr. DASH. General Walters, I understand Senator Montoya had asked you about when the CIA informed the FBI concerning the employment of Mr. Martinez, and I understand you have been shown a copy of a memorandum for the Acting Director of the Federal Bureau of Investigation, attention Mr. Arnold L. Parnham, subject Mr. Martinez, from the Director of Security.

General WALTERS. Mr. Osborne.

Mr. DASH. Yes. I would like to read that into the record which would indicate, and it was dated June 20, 1972:

Mr. Martinez was born on July 8, 1922.

It is a bad Xerox but it looks like Artemi and I think it is—

SA, Pina Del Rio, Cuba, and he is a naturalized United States citizen. He was educated at the University of Havana and he has a BS degree. He also had two years additional work in the school of medicine. Previously married to a Cuban from whom he is divorced. Mr. Martinez is currently married to a United States citizen. Mr. Martinez was recruited by the agency in January 1961 in connection with Cuban operations. The project to which he was assigned was terminated in 1969. Since that time Mr. Martinez has been on a part-time retainer to report on the Cuban exile community. In connection with this activity he was last met on June 6, 1972, and has been unable to be contacted since June 14, 1972. For these part-time activities Mr. Martinez has received a retainer of \$100 per month since 1969. Prior to that time he received \$8,100 per year for his full time operational activity. It is to be noted that Mr. Martinez is a real estate partner of Mr. Bernard L. Barker.

The above information is for use only and should not be disseminated outside your bureau. Please transmit any information on this matter to the attention of the Director of Security.

You have seen that memorandum just prior to your returning to testify.

General WALTERS. Yes; and I think in part it answers one of the questions Senator Montoya asked me.

Mr. DASH. Yes.

Senator ERVIN. Senator Weicker.

Senator WEICKER. Could I ask counsel because I am quite interested in that. Now either counsel or General Walters, when was this information acquired and was it transmitted to the Federal Bureau of Investigation?

General WALTERS. I believe there is a letter transmitting it to the Federal Bureau of Investigation on June 20, 1972, that is 3 days after the break-in, Senator.

Senator WEICKER. Fine, I am not disputing it. As a matter of fact, one of the questions I had in the back of my mind is what did the CIA do insofar as these persons were concerned, and I would gather that you went right to work in investigating the status of these various people and that is what—June 20, is that the date on this, yes, June 20, 1972, that is within what, 3 days of the break-in, the CIA had completed—had all the other individuals also been investigated by that time?

General WALTERS. I don't believe the investigation—I think it was an ongoing project, Senator. I believe I testified earlier that starting on June 20 we began feeding to the FBI as fast as we acquired it, any information on any of the defendants and anybody in any way connected with this matter.

Senator WEICKER. I think it is a very important point, as far as the Agency is concerned, that it did its job and did it pretty darned fast so that insofar as those persons that had been ex—with the exception of Mr. Martinez everybody else was an ex-CIA agent, I am not saying they all were but they were not in the employ of the CIA; is that correct?

General WALTERS. That is, Senator, if I may make a minor distinction, only two of them, Hunt and McCord had ever been CIA full-time employees. The others were contract employees for a short duration or a longer duration.

Senator WEICKER. You and I could make that distinction, I think in the minds of the American public, contracts or full time really wouldn't make any difference.

General WALTERS. I agree.

Senator WEICKER. But in any event the rest of the personnel, with the exception of Mr. Martinez, had left the CIA, were no longer in the employ of the CIA at the time of the break-in except for Mr. Martinez.

General WALTERS. That is correct.

Senator WEICKER. Who was on a retainer, contract, or whichever term you want to go ahead and use.

And yet I gather your investigation still did include, since they had been ex-employees, either full time or contract, these other individuals, is that true?

General WALTERS. As I understood it, Mr. Helms directed our personnel and security people to communicate all information available on these people to the FBI.

Senator WEICKER. And by the time the 20th rolls around, the one person who was on a part-time basis, even a report on him had been sent to the Federal Bureau of Investigation.

General WALTERS. I believe the Agency made a very genuine effort to cooperate with the Department of Justice and the Federal Bureau of Investigation.

Senator WEICKER. So that it was with some basis of fact, arrived at after investigation, that when Mr. Helms talked to the Director on the 22d and said that there is no CIA involvement he just wasn't pulling something out of the air. I mean he had some facts before him; isn't that correct?

General WALTERS. With my experience with Mr. Helms, he never pulls things out of the air, Senator.

Senator WEICKER. Right.

When you walked in on the 23d and with the Director you were cognizant of these investigations, that they had been going on?

General WALTERS. I had not seen this particular memorandum. I knew that these people had been former CIA employees and I knew that we were furnishing all available information on them to the Department of Justice.

Senator WEICKER. Again, I want to repeat the importance, I think, of what is being stated here because in the impressions that we give are equally important to the facts that this committee elicits, that I think there might have been an impression left that in the meeting of the 23d when you and the Director sit down with Mr. Haldeman and Mr. Ehrlichman and state that there is no CIA involvement that this, as I say, just wasn't something that you were saying categorically without knowledge that the Agency itself had gone into this matter in the previous days.

General WALTERS. I believe Mr. Helms was talking on the basis of what he knew on that day, on the 23d and the result of all of these which were communicated to him.

Senator WEICKER. Have you ever counted up, incidentally, I thought about this when you were testifying between you and the Director how many times in this period did you say there is no CIA involvement to various individuals? Have you counted it up?

General WALTERS. Couldn't possibly count it, Senator. As Mr. Helms stated yesterday with some warmth it needs constant repeating.

Senator WEICKER. Well, I think it does need constant repeating. We know that the Director turned to Acting Director Gray and said, there is no CIA involvement on the 22d and I gather in the meeting on the 23d it was made clear again, both by yourself and the Director to Mr. Haldeman and Mr. Ehrlichman, there is no CIA involvement.

Now, I gather when you met with Mr. Dean you were very forceful, as I would imagine, saying it in a variety of ways, there is no CIA involvement.

Now, let me—I gather that the final chapter is, there is no CIA involvement being transmitted—and this is only as to the knowledge that you acquired from Mr. Gray and we will have Mr. Gray before us later on—to the President actually, is that correct?

General WALTERS. Sir, I did not have any personal contact with the President.

Senator WEICKER. No, I am saying in your recollection of the conversation, of your conversation, with Mr. Gray where he reported to you.

General WALTERS. Yes.

Senator WEICKER. Where he reported to you.

General WALTERS. Yes, I could only assume that he had told that to the President.

Senator WEICKER. Let's go to June 23 in your memorandum because I do have some questions as to statements made in there.

The first part there where you described the beginning of the meeting—

On June 23 at 1 o'clock on request I called with Director Helms on John Ehrlichman and Robert Haldeman in Ehrlichman's office at the White House.

Haldeman said the "bugging" affair at the Democratic National Committee headquarters at the Watergate apartments had made a lot of noise and the Democrats were trying to maximize it. The FBI had been called in and was investigating the matter. The investigation was leading to a lot of important people and this could get worse. He asked what the connection with the Agency was and Director Helms repeated that there was none. Haldeman said the whole affair was getting embarrassing and it was the President's wish that Walters call on Acting Director L. Patrick Gray and suggest to him that since the five suspects had been arrested this should be sufficient and it was not advantageous to have the inquiry pushed especially in Mexico, et cetera.

Now, my question to you is right at that point, don't you consider this to be a rather strange conversation for CIA officials to be involved in? I mean with the exception of about one sentence he asked what the connection of the Agency was, and the Director repeated there was none, all the rest of those three paragraphs deal with a political situation here in the United States and has nothing to do with the CIA. I mean didn't it occur to you at that time that this was a rather strange conversation for you to be involved in? It sounds more to me like a meeting of the Republican National Committee than a meeting of the CIA.

Did this occur to you that this is a rather strange subject for us to be sitting around and talking about?

General WALTERS. In my mind there was a distinction between the Agency being involved in the sense of having had any participation in the operation against the Democratic National Committee. What I understood Mr. Haldeman to be referring to was CIA activities outside the United States.

Senator WEICKER. I know, but that is not the context of these comments. This is strictly—it is focusing on—this is an embarrassing political situation, the investigations leading to important people. Haldeman said the whole affair is getting embarrassing and it was the President's wish that Walters call on Acting Director Patrick Gray and suggest to him since the five suspects had been arrested, this should be sufficient.

General WALTERS. I may not have been complete enough. As I stated at the outset this is not the totality of what was said. He gave these general considerations and then the concern he expressed was that the FBI investigation in Mexico might jeopardize some assets or some activity of the CIA. He was talking in a philosophical sense about what had happened in the United States and then the other part that I understood referred to the possibility of compromise of CIA assets or personnel outside the United States.

Senator WEICKER. All right. So you left the meeting and as Director Helms said yesterday, and I would like to ask you whether you had the same feeling, that he frankly was uneasy with—uneasy with what—with the orders that had been given to you from Mr. Haldeman.

[General Walters nods in the affirmative.]

Senator WEICKER. And that he stated yesterday—I am trying to paraphrase his testimony—that he suggested to you that you might call on Gray and indicate to him the normal arrangements as between the FBI and the CIA and that was quite sufficient. Do you recall any such conversation?

General WALTERS. I recall such a conversation but I do not recall it as being quite as limiting as Mr. Helms mentioned yesterday. At no time did he tell me I was not to deliver the message I had been given to deliver. He did emphasize that I should remind Mr. Gray of this agreement between the CIA and FBI not to interfere with one another's operations.

Senator WEICKER. So now you go to the Director, the Acting Director, and you state to him, I will read—

That the investigation south of the border would trespass on some of our covert projects and in view of the fact that the five men involved were under arrest, it would be best to taper off the matter there.

Now, General Walters, I am trying to phrase this as best I can because I certainly believe you to be a man of integrity and I think your career speaks for that. This wasn't really exactly—this concept that you left with the Acting Director really wasn't the truth, was it?

General WALTERS. I had no way of knowing, sir. I presume Mr. Haldeman had information that I did not have, that something in this investigation would uncover assets of the CIA. I had been with the CIA 6 weeks at this time. I did not know the details of its operations in Mexico. Mr. Haldeman was a very well informed man, close to the top of the American structure of Government. I had no reason to doubt him. I had no reason to doubt any of the senior people in Government with whom I was talking at this stage of affairs.

Senator WEICKER. All right. Then I may just ask you this question. When you said this to Mr. Gray, did you say to Mr. Gray, Mr. Haldeman has told me to tell you these facts, or did you deliver this to Mr. Gray as if this were your own idea?

General WALTERS. I believe to the best of my recollection that I told him I had come from the White House, that I had talked to some senior people there and I then wrote this memorandum to him.

Senator WEICKER. But as Mr. Gray sees you standing before him as a representative, and Assistant Director of the CIA, would he have every right to believe that this was the opinion of the CIA or that this was coming from the White House?

General WALTERS. I believe that he had the right to think that the message that I gave to him, that this could jeopardize assets of the CIA, was essentially correct.

Senator WEICKER. And at what point in time did you disabuse Mr. Gray of this concept that you had left with him on June 23?

General WALTERS. Directly, on July 6. However, on the next working day—this was a Friday evening—on the Monday I told Mr. Dean, who I was informed was in charge of this whole matter, that there was no Agency involvement, that this would not jeopardize any activities of the Agency. As I stated earlier, perhaps naively, I believed that Mr. Dean would tell him since they were obviously in contact with one another. In retrospect I should certainly have called in Gray and told him myself.

Senator WEICKER. Now, do you—I want to get back to the basis of the belief that Mr. Haldeman would know something about the operations of the CIA that you and the Director did not know. I find that to be rather unusual. I am not saying that there are things in the White House in a broad general way in the way of policy that they wouldn't know or that wouldn't be in your knowledge, would be in their's, but as far as the actual operations of the CIA, is there anything that you feel the White House knows that you don't know? You and the Director?

General WALTERS. We could know if we went into it, but there are cases where the White House is sometimes for it, or something is done for them—these foreign countries—by members of the CIA and it would be awkward for me to go into details.

Senator WEICKER. Without the knowledge of the CIA?

General WALTERS. Well, I think if it is clearly evident that it is coming from the White House, at least at this time, without the knowledge, it is difficult to say without the knowledge of the CIA. This is why I felt someone in the CIA might know and why I checked with the geographic people.

Senator WEICKER. Now my last question is very simply this—is it possible for Mr. Haldeman or Mr. Ehrlichman to give direction to a CIA agent without the Director or the Assistant Director knowing of it?

General WALTERS. To give instructions, I don't believe so, sir.

Senator ERVIN. Senator Talmadge.

Senator TALMADGE. General Walters, for how long and in what capacity have you known President Nixon?

General WALTERS. I have known President Nixon, I believe, Senator, since 1957. As I testified earlier, I served as his interpreter during a trip he made through eight countries in South America.

Subsequently I saw him only on the anniversary of the stoning in Caracas where the car was attacked by a mob. He used to give a

party—during the time, his reigning years when he was Vice President, he used to give a party once a year. I went to that.

In the years between Mr. Nixon's departure from the White House and his reelection as President I saw him perhaps three times in those 8 or 9 or whatever it was years.

After Mr. Nixon became President I accompanied him on two trips around Europe. I saw him on an occasional basis. As I have testified earlier, I have not seen Mr. Nixon privately to talk to since May 2, 1972, when he swore me in as Deputy Director of the Agency. I have had one phone call with him in that time frame. He called me for something concerning his trip to Moscow. Nothing else was discussed.

Senator TALMADGE. Would you say that your relationship was personal as well as professional?

General WALTERS. I would say, yes, Senator, when you have shared the kind of danger that I mentioned this morning there is a certain element—but I would like to bring out that I have also served as interpreter to President Truman, to President Johnson, and to President Eisenhower.

Senator TALMADGE. We have had some testimony, General, before the committee here that the White House was making efforts to make all the agencies more responsive to the White House.

Would you say that your appointment as Deputy Director of the CIA was an effort to make that Agency more responsive to the White House?

General WALTERS. I would say, Senator, that normally a President appoints people, Presidential appointees, because he has confidence in them. There has been some testimony that I have heard to the effect that someone had said I was put in the Agency in order to influence Agency policy. In all fairness I would like to say that with the single exception of the events about which I am testifying today, no one in the White House, the President or anyone else, has ever sought to influence Agency policy through me.

Senator TALMADGE. I am told that you have a very outstanding background for the position that you hold. Is it true you speak eight different languages?

General WALTERS. Yes, Senator, it is.

Senator TALMADGE. I have been told that on one occasion when the President was in France when you were there as military attaché that he made a 15-minute speech, you listened to it and repeated it verbatim in French.

Is that correct?

General WALTERS. That is very flattering but I doubt if it was verbatim, Senator.

Senator TALMADGE. I wondered if your memory was that phenomenal.

Now, General, there is one very important point here in your testimony. I don't know whether it has escaped the attention of others, but it is important from my standpoint.

You have a memo dated here July 13, 1972, and in that memo—if you have it before you—you read it into the record, I believe. It is on the occasion that the President called Mr. Gray to congratulate him on the FBI action which had frustrated the airplane highjacking in San Francisco, and I pick up your exact language at that point.



"The President asked him"—referring to Gray—"if he had talked to me about the case."

What case are you referring to?

General WALTERS. The Watergate, sir. That was my understanding.

Senator TALMADGE. The Watergate. I had assumed that was what you had reference to in this memo.

"Gray replied that he had."

That meant that you and Gray had conferred, of course, about the Watergate case and Gray, at that point the Director of the FBI, was reporting that fact to the President of the United States, is that—

General WALTERS. That was my understanding from what Mr. Gray told me.

Senator TALMADGE. All right.

To go on down further then—

The President then asked him what his recommendation was on the matter. Gray had replied that the case could not be covered up and would lead quite high and that he felt that the President should get rid of the people that were involved. Any attempt to involve the FBI or the CIA in this case would only prove a mortal wound,

And you say that was your word—

and would achieve nothing. The President then said, "Then,"—

I am quoting the President directly now—

"I should get rid of whoever is involved no matter how high?" Gray replied that was his recommendation. The President then asked what I thought—

Meaning you—

and Gray said my views were the same as his. The President took it well and thanked Gray. Later that day Gray had talked to Dean and repeated the conversation to him. Dean had said, "Okay."

Is that a correct verbatim quotation from your statement?

General WALTERS. That is a correct quotation from my statement, Senator, but as I added earlier, I do recollect—I did not put into the memorandum—Gray saying that the President had told him to go ahead with his investigation.

Senator TALMADGE. Now, am I to conclude from that that at that point, and that was July—early July 1972, the President of the United States had the opinion of the Acting Director of the Federal Bureau of Investigation and the Deputy Director of the Central Intelligence Agency that there was something going on wrong in the White House staff and he ought to correct it?

General WALTERS. This is my assumption from my recollection of what Mr. Gray told me.

Senator TALMADGE. That would be my conclusion, from reading your remarks here.

Now, am I to assume from your testimony that you felt that these repeated efforts from the White House staff on the part of Haldeman and Ehrlichman and subsequently Mr. Dean, when they tried to get you involved in the coverup against your best judgment, against your own will, that it was an effort on the White House staff's part to get you and Mr. Gray, the Director of the Federal Bureau of Investigation, to act in concert to cover up this case?

General WALTERS. Senator, I would like to draw a distinction between the three people you have mentioned.

Senator TALMADGE. Yes, sir.

General WALTERS. As I have testified earlier, I believed at the time that Mr. Haldeman asked me to go see Mr. Gray that he did have or could have some information. Mr. Ehrlichman, as I recall it, in all fairness did not take part in this conversation. My first conversation with Dean on the 26th made me suspicious when he asked me whether the Agency could pay bail or the salary of these people when they were in jail. I became convinced that the option of doing something improper was being explored. I would remind, however, that I had no further conversation with Mr. Ehrlichman or Mr. Haldeman at any time after June 23. So there was really a differentiation in what the three people were asking me to do. As I have said before, if I had thought Mr. Haldeman was asking me to do something improper I would not have done it.

Senator TALMADGE. Yes. I am certain you would not have, sir.

There is one final thing I would like to ask you, sir. You had been on a professional basis with the President of the United States as well as a personal basis. You saw what was happening in his staff to get two of the most important agencies in the United States involved in obstruction of justice. Why did you not, sir, ask for an appointment with the President and go over and tell him frankly what was happening?

General WALTERS. Senator, I felt that would have been circumventing my charge. I reported it to my superior, Mr. Helms, and I reported it to the Acting Director of the FBI.

Senator TALMADGE. You did not think you should go higher than that?

General WALTERS. If I had been pushed or told to do something improper I would not have. I made that quite plain to Dean. He was exploring with me. I made it quite plain to him from the very first meeting if he attempted to order or direct me to implicate the Agency in any way I would resign and I would go and tell the President and I did not hear much from Mr. Dean after that.

Senator TALMADGE. You have had a long and distinguished career in the Army. Now, if you saw something going on as a first lieutenant that you knew was absolutely inherently wrong and ought to be corrected, would you ever have occasion to bypass the captain and go see the major in an effort to get it corrected?

General WALTERS. If I saw something going on wrong, I believe I would, Senator. But I must repeat that what Mr. Dean was asking me to do—he was not asking me, it was all tentative exploration—had Mr. Dean at any time ordered me to do something improper I would have asked to see the President.

Senator TALMADGE. I am not talking about that. There is no reflection whatever on your conduct, General. I commend you for it. You were asked to get involved in the obstruction of justice and you did not do it but you did know that some of the closest confidantes and advisers to the President of the United States were involved in that conspiracy and you did not inform the President. Why not?

General WALTERS. I do not quite take the assumption, the same assumption on the question that you did, Senator, but I will try to answer it.

First of all, to go back to the climate of this time, the Agency was under attack with various unjustified accusations. My interviews with

Mr. Dean were alone. It was his word against mine. If I had gone out and simply accused him of trying to involve me in something and he had said no, the environment in the United States at that time would not necessarily have been favorable to my unsupported word. I would have simply involved the Agency in further publicity in support of something I could not prove other than by my statement.

Senator TALMADGE. General——

General WALTERS. And my overwhelming——

Senator TALMADGE. Excuse me.

General WALTERS. My overwhelming concern, Senator, at this time as it is today, is because I believe that an effective CIA is essential to the United States and had I gotten us involved in a Donnybrook which I could not prove other than by my unsupported word, I would not have served the purpose that I was attempting to serve.

Senator TALMADGE. General, I have no further questions. I want to compliment you on your long and distinguished service to your country and your absolute candor in testifying before this committee.

General WALTERS. Thank you very much, Senator.

Senator ERVIN. Senator Gurney.

Senator GURNEY. Thank you, Mr. Chairman.

General, there are two different versions about what Mr. Haldeman said to you at that first meeting in your memorandum, and I read from the memorandum. You said:

Haldeman stated I can tell Gray that I had talked to the White House and suggested that the investigation not be pushed further.

In your testimony before the Appropriations Committee you had this to say, and this is from the record of the Appropriations Committee:

Mr. Haldeman said this. It has been decided that you, Walters, will go to Mr. Gray and tell him that if the investigation of the Mexican finance part of this thing is pursued, it may uncover some CIA assets.

Now, that is somewhat different. Which order did he actually give you or what did he say to you?

General WALTERS. Senator, being a lesser man than Matthew, Mark, Luke and John, I also occasionally have things—I do not in retrospect, thinking back and refreshing my memory, I do not recall him mentioning money.

Senator GURNEY. I am not trying to trip you up, General. Please believe that. There is a tremendous difference between these two versions. One version is that Haldeman is ordering you to order the FBI to stop. The other one is to inform the FBI that if they pursue this Mexican money business that it may uncover some CIA assets, and those are two diametrically different things.

General WALTERS. My best recollection, Senator, as I see it, was the pursuit of this investigation in Mexico, and limited only to Mexico, could endanger CIA assets. Whether the money aspect came into my mind because Gray mentioned it when I talked to him, which was prior to my testimony before the House Appropriations Committee, but long subsequent to the memorandum I wrote, I would rather in this case trust the memorandum I wrote 5 days later than the testimony I might have given a long time later influenced by what I knew subsequently that the Mexican thing involved money.

Quite presently my recollection is that money specifically was not mentioned.

Senator GURNEY. Well, that really is not the thing that I am talking about. The money is kind of incidental here. What I am talking about is whether Mr. Haldeman directed you to go to the FBI and tell them not to—let us use your own words here—“push the investigation further.”

General WALTERS. That is correct, Senator.

Senator GURNEY. Now, that really is ordering the FBI to stop. The other one is saying to the FBI that if you pursue something in Mexico, whether it is money or anything else, that is unimportant, that it may interfere with CIA and one of the reasons why this is so important and why I am asking it is that one version, the version you gave before the Appropriations Committee, coincides, I think, with what the President told Haldeman to do. The other one in your memorandum coincides more with what apparently was going on in the White House that we have learned before this committee here in these last several weeks and that was a coverup. That is why it is important to get this thing pinned down if we can.

General WALTERS. The only thing I can tell you, Senator, is that to the best of my recollection at the present time in light of what I know I was told, you will go to Mr. Gray and you will tell him that if the investigation in Mexico is pushed further, it may—I did not say stop—it may uncover some CIA assets.

Senator GURNEY. Well, that coincides more with the testimony that you gave before the Appropriations Committee and less with your memorandum here.

Now, then, after you finished this meeting with Haldeman and Ehrlichman, you and Director Helms, you mentioned that you left the meeting and you chatted together for a moment, and Mr. Helms reminded you to tell Pat Gray that there was a rapport between the two agencies.

General WALTERS. Yes, sir.

Senator GURNEY. But didn't you and Director Helms discuss this very unusual meeting and this very unusual order? Here is Haldeman, the Presidential assistant, ordering you to go to the FBI and instruct them to do something or not to do something. Didn't you and the Director discuss that unusual meeting?

General WALTERS. I think we both felt that Mr. Haldeman might have some information to which we were not privy.

Senator GURNEY. Well, did you ask him?

General WALTERS. Did I ask who, sir?

Senator GURNEY. Mr. Haldeman.

General WALTERS. I did not ask Mr. Haldeman what information he might have. I felt if he wanted me to know he would have told me.

Senator GURNEY. But isn't the mission of the CIA to find out for the President as well as for the Defense Department and any other interested agencies all manner of foreign intelligence that may be dangerous or detrimental to the United States?

General WALTERS. I believe that is the general mission of the Agency, yes, sir.

Senator GURNEY. Who in this Government would be better able to have that kind of information than Mr. Helms and General Walters?

General WALTERS. We would have, sir, once we had access to our sources on this matter. The CIA is quite a large Agency and I don't believe Mr. Helms after 6 years and I certainly after 6 weeks did not know the details of all the Agency operations in Mexico.

Senator GURNEY. I wouldn't expect that either, General, and I am not really talking about that. I am saying that it strikes me as though you might have been curious and said, "Mr. Haldeman, what are we doing down in Mexico that you are afraid is going to be interrupted?"

General WALTERS. Perhaps in retrospect I should have, sir, but the nature of the direction that was given to me was quite explicit.

Senator GURNEY. Well, but that impresses me, too. It was extremely explicit, and I wonder why there wasn't some question of it or some further inquiry either by you or Director Helms there of Mr. Haldeman.

General WALTERS. Sir, as soon as I talked with Mr. Gray I went back to the Agency and attempted to check up to see whether this was a fact or not.

Senator GURNEY. You mentioned also that, I think it was in this first meeting and it may be in one of the Dean meetings—no, it was the first meeting, the investigation was leading to a lot of important people. Who were these important people?

General WALTERS. I was not told, sir.

Senator GURNEY. Did you ask?

General WALTERS. No, sir.

Senator GURNEY. Did Director Helms ask?

General WALTERS. I do not believe he did.

Senator GURNEY. In a later meeting with Dean, I think that was the 27th, Dean said that some of these suspects might talk. Talk about what?

General WALTERS. I thought he was telling me they might talk and involve the CIA and it didn't worry me one iota because I knew there was not one thing that they could say that would involve the CIA.

Senator GURNEY. Didn't it occur to you that he might be saying they might talk and involve somebody in the Government other than the CIA?

General WALTERS. No, sir; that was not the understanding I had of it. The understanding I had was that they might talk and involve the CIA.

Senator GURNEY. Maybe in the Committee To Re-Elect the President.

General WALTERS. My understanding was that it referred to us, sir. That it was a veiled form of a threat.

Senator GURNEY. It didn't occur to you it might be people in the White House?

General WALTERS. Well, by the time I had my meeting—

Senator GURNEY. They might talk about people who were in the White House?

General WALTERS. This thought did cross my mind; yes, sir.

Senator GURNEY. Did you ask him?

General WALTERS. No; I did not.

Senator GURNEY. This business about the letter from the CIA to the FBI that the FBI should not go ahead with this investigation because

it might compromise security interests, who asked the Agency to write a letter to the FBI?

General WALTERS. On July 5, Senator, Pat Gray called me and said:

I can't stop this unless I get a letter from you or the Director, from Helms or from you, saying that the further pursuit of this investigation in Mexico will jeopardize CIA assets.

That was the first mention of it.

Senator GURNEY. Did he indicate that somebody had asked him to talk to you and ask for a letter?

General WALTERS. I do not have any recollection of that, Senator.

Senator GURNEY. Did you ask him?

General WALTERS. No.

Senator GURNEY. It was your impression that he was going ahead and only that could stop him from going ahead?

General WALTERS. That was my impression.

Senator GURNEY. That was the reason for his phone call.

I won't repeat the question that Senator Talmadge asked, I had it here to ask myself about the long association with the President, and all of these very unusual events that occurred between the White House people and the CIA and the FBI that would certainly lead to indicate that all was not well in these requests made of you and, of course, you realized then you didn't do anything about it and I share Senator Talmadge's feeling that you acted properly. I do, indeed, and I don't want to question that.

But I want to ask you why you didn't go to the President, he already has done that, but did you ever discuss this with Director Helms and say, "Now, Mr. Helms, all this is going on here, something really must be very strange, do you think we ought to advise the President?"

Did you ever discuss that with Mr. Helms?

General WALTERS. I don't think we did, Senator. I think one of the reasons for that, which is difficult to see in retrospect, is this was compressed in a very short period of time. The whole span of this was from the 23d to the 28th, in this period of 5 days, and after that, after I told Dean if he pushed me any further I would go to the President. I never heard from him again.

Senator GURNEY. Yes, and I can understand that, and that occurred to me also. But then in February of the next year here comes a call from Mr. Dean saying:

Now there is some material over there in the FBI that you gave the FBI, the CIA gave the FBI. I want you—

That is the CIA—

to request that material to be returned to you and simply a card put in there with that advice that it had been returned without any reference to what the material was.

What did you think Mr. Dean was trying to do then?

General WALTERS. Well, as you will recall, Senator, he called Dr. Schlesinger, not me. I thought he was trying to, as I put it, leave an arrow in the Department of Justice files pointing at Langley.

Senator GURNEY. But again, didn't that occur to you and Director Schlesinger, and I do remember now the call was to him but you and he discussed it, and you also discussed it, did you not, in reviewing

all these other facts that had occurred in 1972? Weren't those brought up again? Didn't you say you talked to Director Schlesinger about that?

General WALTERS. I talked to Director Schlesinger before Dean's call.

Senator GURNEY. He knew about these things.

General WALTERS. He knew about the events that had gone before; yes, sir.

Senator GURNEY. Well, in your discussion about this latest request about Mr. Dean did you and he raise the question that this looks like a coverup over there at the White House that Mr. Dean may be involved in?

General WALTERS. No, sir; I think we regarded it as making an improper suggestion to us that would incriminate the Agency which was not implicated and we refused to do this and Mr. Dean asked nothing further of us.

Senator GURNEY. But why would he want to incriminate the Agency? That wouldn't do him any good.

General WALTERS. I don't know.

Senator GURNEY. Or the cause that he was so eagerly working at at that particular time, would it?

General WALTERS. I don't know what his motivation was, Senator.

Senator GURNEY. Motivation to me looks like he wanted that material out of there so that it wouldn't be seen by the prosecutors or somebody in charge of prosecuting the case. It was definitely a part of the coverup.

General WALTERS. That could have been the case, yes, sir.

Senator GURNEY. But anyway there wasn't any discussion about that.

General WALTERS. No, sir.

Senator GURNEY. Well, I think my time has elapsed and I certainly agree, as I say, with Senator Talmadge that the CIA is clean and not involving themselves in this messy business that we have been discussing here for several weeks. But I do wish that somebody had warned the President of the United States, it would have been very helpful I think. That is all.

General WALTERS. Thank you, Senator.

Senator ERVIN. I would just like to announce that Senator Montoya is floor manager of the pending bill before the Senate and for that reason cannot be here.

General, a first approach of John Dean to you was to inquire whether or not the CIA was involved in the Watergate break-in, wasn't it?

General WALTERS. Yes, Mr. Chairman.

Senator ERVIN. And you assured him as well as everyone else you conversed with that the CIA had no part in the Watergate burglary.

General WALTERS. That is correct, Mr. Chairman.

Senator ERVIN. Yes.

Then he told you that he had a problem and his problem was to stop the investigation with the five men that were caught in the Watergate, and he wondered whether the CIA could afford him any assistance, and you informed him that the CIA could not afford him any assistance in the solution of that problem and would not.

General WALTERS. That is correct, Mr. Chairman.

Senator ERVIN. Yes.

As you stated in—your communications about this matter with either Mr. Dean or anybody else covered a period of only, the period from June 23 to June 25.

General WALTERS. June 28, Mr. Chairman.

Senator ERVIN. June 28, I mean. And that no further approaches of any kind were made to the CIA and that you assumed that whatever problems that Dean had, you assumed the communication you had made to Dean had put an end to any effort to enlist any aid of any kind on the part of the CIA.

General WALTERS. That was my impression, Mr. Chairman.

Senator ERVIN. Yes.

Now, you were asked whether you thought you should have made any communication to the President, but you were unaware of the fact that on July 6, you were later acquainted by Mr. L. Patrick Gray, the Acting Director of the FBI that he had communicated with the President and that he had informed the President that some of his aides were doing him moral injury.

General WALTERS. That was what he told me, yes, sir.

Senator ERVIN. Yes.

Now, you have testified so clearly that I have no further questions. I just wish to make two comments. I assume from your evidence that you accompanied President Nixon when he was Vice President on a tour to South America when he suffered attacks by individuals or groups down there.

General WALTERS. Yes, sir.

Senator ERVIN. And you testified that he displayed great courage, and I would like to say that from hearing what I heard over the media and from what I read in the newspapers that I certainly concur in that opinion. I would also like to say that I concur in your opinion that in the precarious world in which our Nation now exists, that one of the best ways to make certain that our Nation can remain a free country is to have an efficient and viable organization like the CIA.

General WALTERS. Thank you very much, Mr. Chairman.

Senator ERVIN. Senator Baker.

Senator BAKER. General, I have told a number of witnesses, almost every witness, I guess, that they should not assume from my questions that I believe or disbelieve their testimony or that the nature of the inquiry signifies anxiety or concern on my part or satisfaction but rather my questions are designed to elicit particular information and in some cases to test that information against the testimony of other witnesses, documentation, and circumstances. I am sure you understand that.

General WALTERS. I do, Senator.

Senator BAKER. It may be that some of the questions I am going to ask you you have no personal knowledge of, and if that is the case I would be happy to be directed to a better primary source of information.

I have today received three bound copies of documentation which I understand was supplied by the CIA to the staff of this committee. I have not yet had an opportunity to examine them.



I understand from Mr. Dash that the material was supplied by the CIA to the Appropriations Committee and by the staff of the Appropriations Committee to the staff of this committee.

Mr. DASH. Yes.

Senator BAKER. But in any event, the significant thing is that I have only just seen it and there has not been an opportunity to read it and digest it, so if I skip around a little it does not mean that I am trying to pinpoint a particular item of being of significant importance but rather that is what I have been able to run across so far.

Let me state one other thing in preamble. I am in no way trying to buttress the idea that the CIA was involved in Watergate. I am making no such allegations. I have a great respect for the CIA and a great appreciation for what it has done, for you, for Director Helms, for all of those other great gentlemen who have served this Nation, I believe, very well and very diligently.

So with that preamble, I would like to ask you a few questions. I notice in this document a whole series of letters from McCord to the Agency. Are you familiar with those letters?

General WALTERS. I became familiar with them, I would say, the beginning of June of this year, Senator.

Senator BAKER. Now, to begin with, Mr. Chairman, I might note, as we have on previous occasions that these documents are nominally classified top secret, handle via comment control system only, and marked inside on several pages for administrative use only and sensitive. We understand, I understand, Mr. Chairman, that insofar as the evidence, the material that may be contained in these documents is clearly relevant to the inquiry of this committee that we have the authority by communication from the White House, and by the inherent authority of this committee and the Congress to put them in the record notwithstanding.

Senator ERVIN. I so construe our authority.

Senator BAKER. Would you bear with me for just a moment, General, while I go back and try to find the McCord letters? I am sorry for the delay, Mr. Chairman, but I say it is only while questioning began that I have had an opportunity to look at these documents, and I noted their location by paper climb and that turns out to be not the very best form of index.

Maybe you can tell me, General, while we are still looking for these letters, how many letters were there from Mr. McCord to the CIA after he was arrested on June 17 that are reflected in these documents?

General WALTERS. Senator, it is quite difficult for me to answer this question, since I had no personal contacts and knowledge of them until I heard about them in a general way about a month ago.

Senator BAKER. But you are aware that there are a number of them?

General WALTERS. Yes, I have heard that discussed and mentioned.

Senator BAKER. Have you read the letters?

General WALTERS. No, sir; I have not.

Senator BAKER. I am referring now to what appears to be copy No. 2, tab N, and the first entry is a letter dated January 5, 1972, which simply says "Notes" and is unsigned, but which has accompanying it a Xerox copy of an envelope addressed to Paul F. Gavnor, G-a-v-n-o-r, 4629 35th Street, North Arlington, Va. Do you recognize that name?

General WALTERS. I believe that is a member of our organization, yes.

Senator BAKER. Is that a standard method of reaching, conveying information to your Agency?

General WALTERS. I would not know, sir.

Senator BAKER. Do you know who Mr. Gaynor is?

General WALTERS. I know he is an Agency employee, I do not know in detail what he does.

Senator BAKER. Do you know why Mr. McCord would be writing to him?

General WALTERS. I have heard it said he knew Mr. McCord while Mr. McCord was still working with the Agency.

Senator BAKER. Could you tell us what Mr. Gaynor's function is?

General WALTERS. I believed he worked in the Office of Security of the Agency.

Senator BAKER. He worked with Mr. McCord when he was there, the Office of Security?

General WALTERS. I have been given to understand that. I have no personal knowledge of it.

Senator BAKER. Much of this is information we already have in the testimony of Mr. McCord and, an additional preamble might be in order. I am not trying to contradict the testimony of Mr. McCord. As a matter of fact, much of this corroborates this but I want to do this to reach a final area of inquiry, the January 5, 1972, quote says:

The outfit tried to lay the operation at the feet of the CIA this week and failed. Yesterday they tried to get all of the defendants to plead guilty, thus protecting those higher up of involvement and that failed. Barker and Hunt were allegedly to plead, so it is said. McCord and Liddy refused.

3. In revenge now the prosecution is planning to state that the motives of at least some of the defendants was blackmail. This came out of the ACLU hearings today in which the ACLU lawyer said he was told this by the prosecution that blackmail was the motive.

4. The outfit is even getting predictable. It was anticipated that when I refused to implicate CIA they would undertake a massive character assassination attempt.

5. The judge is not buying this ploy. He indicated as much this morning, referring to it as a cover story and indicating that the world was watching this case, the Democrats were criticizing its handling and that the jury was going to get to the bottom of it. He said that he would personally examine the tapes of testimony and send any to the grand jury that involved higher-ups or lower figures involved. Some of the newsmen say they are scapegoats, we are scapegoats, they are right.

Corrected telephone call data. Call to Israeli Embassy September 21, 1972, 8:35 a.m., telephone 762-8720. Called Chilean Embassy October 10, 1972, 4:50 p.m., telephone number the same.

There are ditto marks under it.

Do you have any idea why Mr. McCord would be passing on that information to the CIA?

General WALTERS. I have no idea why he would, sir, except what I read in the newspapers. I gather he still felt a certain sense of loyalty to the CIA and he was anxious that it not be blamed for something for which it was not responsible.

Senator BAKER. Once again. I am not trying to put you on the spot, is the first inference to draw from that information that Mr. McCord was at least hoping that you would investigate whether or not those calls to those two embassies were recorded?

General WALTERS. I do not know what he was trying in here, Senator. As I told you, I had no knowledge of this letter until June of this year.

Senator BAKER. Thank you, General.

General WALTERS. Or the existence of it.

Senator BAKER. The next page,

It would appear that we have headed them off at the pass—it would appear that we have headed them off at the pass. The crisis appears to be over—

Also addressed to Mr. Gaynor. Are you familiar with that statement?

General WALTERS. I believe these were published in the newspapers unless I am mistaken.

Senator BAKER. These letters?

General WALTERS. I do not know whether they were but I have read them somewhere, I have heard that statement before.

Senator BAKER. "We took them up on the brink on this but I do not believe they will try it again." I am reading parts of it because it is very much—Mr. Chairman, I ask unanimous consent that the collection of McCord letters, to go with the cover envelopes might be received in evidence as an exhibit.

Senator ERVIN. Without objection, it is so ordered.

[The documents referred to were marked exhibit No. 138.\*]

Senator BAKER. The next item is unaddressed but it is dated December 29, 1972, and it appears to have been transmitted in an envelope also addressed to Mr. Paul F. Gaynor, postmarked from Rockville, Md., on December 29 at the same address. "What is needed," is the salutation.

Evidence of illegal Government wiretapping of our telephones either on national security grounds or domestic security grounds, both of which are done on authority of the Attorney General's signature alone. There were two national security calls by me from our home phone, 762-0187. One was made to the Israeli Embassy on — and the other was made to the Chilean Embassy on —. Both calls were witnessed by my wife. I am convinced from at least June 17th to early July there was a wiretap on our home and office phones on authority of the AG's signature alone. On June 26, 1972, the Supreme Court declared such wiretaps illegal and several cases have been dismissed on these grounds recently rather than disclose the adversary's pressing—in the adversaries pressing for the contents of such calls and conversations and the names of the party involved. There is no question but that our home and office phones are still being tapped. It is being done without a court order. We are in an excellent position to have the cases dropped. What I need is proof, logs, transcripts or testimony from an FBI agent or two who had monitored such calls. Evidence of perjury or false swearing by Gary Bittenbender, the MPD—

I take it to mean the Metropolitan Police Department—

officer, I know he is lying. Some additional evidence, even circumstantial would help.

Going on and reading other portions of the thing, I think in fairness to some semblance of completeness of this thing, since I am omitting parts of the letter, but they will in their entirety be included in the record, I might say that also on this tab were statements as follows by Mr. McCord:

I have released Gerald Alch as my defense attorney in the *Watergate* case. In meeting recently in which plans for our defense of the *Watergate* trial were discussed he persisted in a proposal that I claim the *Watergate* operation was

\*See p. 3834.

a CIA operation. That is flatly untrue and when I rejected it he then went on to make a second proposal. The second proposal then was that I claim that the four Cubans and I cooked up the bugging operation on our own. This was also untrue. When the hundreds of dedicated, fine men and women of the CIA no longer write intelligent summaries and reports with integrity, without fear of political recrimination, when their fine Director is being summarily discharged in order to make way for a politician who will write or rewrite intelligence the way the politicians want them written instead of the way truth and best judgment dictates, our nation is in the deepest of trouble and freedom itself was never so imperiled. Nazi Germany rose and fell under exactly the same philosophy of governmental operations.

Now, I understand that I am imposing on you, General, but do you, can you give us any insight into why Mr. McCord was passing on these reports to the CIA on a regular basis addressed to this person? Have you ever inquired into it or can you give me any insight?

General WALTERS. I have not really inquired into it, I just heard it discussed. I gather Mr. McCord at least in this period still felt an intense feeling of loyalty toward the Agency. He did believe that somebody was trying to frame it.

Senator BAKER. But it did seem like he was asking for help from the CIA?

General WALTERS. He may have been, sir, but as I say, I did not see these letters.

I would like to make one comment, however. It is perfectly obvious that anyone who thinks Dr. Schlesinger can be pushed around or made to write anything that will suit anybody, has never met Dr. Schlesinger.

Senator BAKER. I entirely agree with you. I have met Dr. Schlesinger, I have had some rather heated debates with Dr. Schlesinger when he was Chairman of the Atomic Energy Commission and since I am on the Joint Committee on Atomic Energy, and I must say we came away neither of us claiming victory, I think, but I came away with a very, very heightened respect for his integrity, and also for his toughness.

General WALTERS. Six months of working for him gave me the same feeling.

Senator BAKER. I wouldn't imply for a moment nor would I condone the implication that that description would fit Dr. Schlesinger. I don't believe that for a second.

I have just violated the rule that I put on myself that I wouldn't comment on the testimony but in that one I will.

General WALTERS. Sir, if I may, I would like to say my statements apply to James Schlesinger.

Senator BAKER. Pardon?

General WALTERS. My statements apply to James Schlesinger who is Secretary of Defense.

Senator BAKER. That is right, and he was once head of the CIA and before that Chairman of the Atomic Energy Commission.

General WALTERS. Right.

Senator BAKER. And who knows what he may be next. [Laughter.]

I am reading now from a memorandum of December 29, 1972, also in an envelope addressed to Paul Gaynor. One paragraph reads:

Their persistence in wanting to let Gary Alch call Helms to testify and to call Vic Marchetti to lay the background re: CIA employees once caught in the act refusing to admit it, also re: custom and tradition of CIA along this line.

Reading now from paragraph 4—

The fixed police officer's report, that of Gary Bittenbender, not Carl as previously reported. The impact of his statement is one which can be read two ways giving them a fallback position. One, that I claimed to him at the time of arraignment that this was a CIA operation, and (b) that this was an operation which we, the Cubans and I, cooked up on our own. No such statements were made. They are absolutely false.

Now, here is a simple sheet of paper that has the words "Mitchell, Dean, Magruder, Colson, and Liddy" on it attached to that memorandum with this explanation:

And beyond that, the MDP officer's name is Carl Bittenbender. The pressure is still on. They can go to hell. Any time you need me to testify before a congressional committee in your behalf, just yell.

Now, this was addressed to Mr. Gaynor of the CIA. Was there any thought, that you know of, in the CIA, of calling Mr. McCord to testify on behalf of the CIA?

General WALTERS. No, sir. Not that I have ever heard.

Senator BAKER. Another one, handwritten to Mr. Paul Gaynor, postmarked Washington, D.C. The post date is illegible. And there is none on the typed memorandum.

Jack. Sorry to have to write you this letter but felt you had to know. If Helms goes, and if the WG operation is laid at CIA's feet where it does not belong, every tree in the forest will fall. It will be a scorched desert. The whole matter is at the precipice right now. Just pass the message that if they want it to blow, they are on exactly the right course. I am sorry that you will get hurt in the fallout.

Another one, December 22, 1972, addressed to Mr. Paul Gaynor, at a different address, 1005 South Quebec, Arlington, Va. [Reads:]

Dear Paul, there is tremendous pressure to put the operation off on the company.

Is the CIA referred to internally sometimes as the company?

General WALTERS. Sometimes.

Senator BAKER [continues reading]:

Don't worry about me no matter what you hear. The way to head this off is to flood the newspapers with leaks or anonymous letters that the plan is to place the blame on the company for the operation. This is of immediate importance because the plans are in the formative stage now and can be preempted now if the story is leaked so that the press is alerted. It may not be headed off later when it is too late. The fix is on. One of the police officers in the MPD intelligence department is to testify that one of the defendants told him that the defendants were company people and it was a company operation. He has probably been promised promotion for changing his story to this effect. Be careful in your dealings with him. I will do all I can to keep you informed. Keep the faith.

And another one, addressed to Mr. Richard Helms, Director, Central Intelligence Agency, Langley, Va., on a postmark I believe of July 30, 1972, marked "personal."

From time to time I will send along things you may be interested in from an info standpoint. This is a copy of a letter which I sent to my lawyer. With best regards.

Unsigned.

And another one. There is no accompanying envelope as far as this compilation indicates.

Dear (blank) :

A few interesting bits of information you will be interested in. When Paul O'Brien was engaged by the Committee as their lawyer in this case the Committee told him that the operation was a CIA operation. He says he did not learn otherwise until one of the defendants told him the facts and he says he blew up over it. The prosecution under Silbert had, of course, begun that line with Judge Belsen from the very first hearing. Although never coming right out and saying to it was inferred by him in every hearing that I witnessed and learned that he did so with the other defendants in the bond hearings.

Now that the CIA story has not held water or, more directly, will not be allowed to stand by the CIA, the prosecution is now planning to charge that Liddy stole the money for the operation from the Committee and in turn bribed McCord and Hunt to participate, giving McCord a \$16,000 bribe on one occasion witnessed by a participant who had turned state's evidence. Rest assured that I will not be a patsy to this latest ploy. They will have to dream up a better one than this latest story. The state's witness cannot only be impeached on the stand, but can be charged with perjury before the Grand Jury, and to federal officials, if he has made such a statement to them. If Committee officials allege that Liddy stole the funds for such operation they also have perjured themselves and are subject to such a prosecution. Liddy may stand still for this but I will not.

And the final paragraph, Mr. Chairman, and I will stop reading.

As I have mentioned before, I don't think a fair trial is ever going to be obtained in Washington for the reasons I have heretofore stated. The prejudicial press coverage, the high percentage of registered Democratic voters, from whom the jury would be picked, and the pro-government leanings of such a jury, most of whom would be employed by the government and subject to a bias or duress from the prosecution, are only some of the reasons. The matter of timing of a change of venue motion is I realize best left in the hands of the lawyers. The fact remains that I have lived in Washington since 1942 and know certain things about the District of Columbia from a first-hand knowledge, having lived there in the past, that I wanted you to be aware of.

Now, General, as I say, I haven't had time to read all this. There is a veritable forest of paper clips that I have put on this thing already and I am going to read it over the weekend if I can and I want to talk about it some more.

It would appear obvious to me that since you came on board in your present capacity or your service in other capacities to the Agency that you do not have firsthand knowledge of this.

General WALTERS. I wasn't aboard at the time. I do not have first-hand knowledge.

Senator BAKER. Well, I would appreciate your advice on who would have firsthand knowledge of it so I could talk to them.

General WALTERS. I would say probably the best man to talk to would be Mr. Osborne who is our director of security.

Senator BAKER. Can you venture any estimate based on your examination—

General WALTERS. Or Mr. Helms.

Senator BAKER. All right, sir. Thank you.

Can you venture an estimate based on your knowledge of CIA operations, and Mr. Hunt, the facts as you found them since June 17, on any reasonable basis as to why Mr. McCord would be giving you this information periodically and regularly?

General WALTERS. I tried to explain it previously, Senator. I believe Mr. Hunt felt a very strong sense of loyalty to the Agency. I believe he felt there was a conspiracy against the Agency to involve it and discredit it and this is what I believe, and this is purely my own personal opinion and I can't substantiate it with anything other than my judgment, that he—

Senator BAKER. Would you have conducted——

General WALTERS [interrupting]. Wanted——

Senator BAKER [continuing]. Conducted an investigation or cause one to be done at the CIA on why McCord was in touch and certain other matters that I would like to discuss with you more privately?

General WALTERS. Had it come to my knowledge at the time I would have, Senator.

Senator BAKER. Yes, sir.

And the one to address that to now would be Mr. Colby?

General WALTERS. Mr. Colby.

Well, technically it would be me today but if he is sworn in tomorrow or the next day it would be him.

Senator BAKER. Why don't I ask you and you pass it on to him?

General WALTERS. I will.

Senator BAKER. All right. Thank you, Mr. Chairman.

Senator ERVIN. These letters in my judgment would corroborate certain testimony given by McCord to this committee to the effect that there was a plan among some people to try to blame this on the CIA, including his own lawyer, and that he resented it and knew that or believed with all the intensity of his nature that the CIA was not implicated in any way in the matter.

Senator BAKER. Mr. Chairman——

Senator ERVIN. Is that not correct?

General WALTERS. That would be my assumption also, Mr. Chairman.

Senator BAKER. Mr. Chairman, I might say since that represents a commentary on my interrogation, which I appreciate, but that is certainly one interpretation and that is why I went to some pains to explain it. I am not making charges. I am simply inquiring for information. But I am afraid it is not the only possibility and I think I owe it to myself and to the committee to try to find out as much as I can and in addition to talking to Director Colby or possibly to Ambassador Helms, or Mr. Osborne or others, I think I would like to talk to Mr. Gaynor. I think I would like to know whether he ever answered those letters and what, if any, action he took.

Thank you, sir.

General WALTERS. Very well, sir.

Senator ERVIN. I certainly concur in your opinion we ought to get as much light on this subject as we can.

Senator WEICKER, do you have any other questions?

Senator WEICKER. I have a few questions, Mr. Chairman.

General Walters, you have indicated that Mr. Haldeman gave you a direction—that is the best way to phrase it—to carry it to the Acting Director of the FBI. Let me quote exactly from your memorandum here:

Haldeman said that the whole affair was getting embarrassing and it was the President's wish that Walters call on Acting FBI Director Patrick Gray and suggest to him that since the five suspects had been arrested that this should be sufficient and that it was not advantageous to have the inquiry pushed, essentially in Mexico, et cetera.

Director Helms said that he had talked to Gray on the previous day and had made plain to him that the Agency was not behind this matter, that it was not connected with it.

And as I gathered when you and I were talking before, you indicated there well could have been, based on something that was within his knowledge, that might not be in your knowledge, or the knowledge of the Director, is that correct?

General WALTERS. That is correct, Senator.

Senator WEICKER. Well, if that was the case, why would he not tell you what it was if this was something within his knowledge?

General WALTERS. I do not know why he would not tell me, sir.

Senator WEICKER. Just one quick question in passing here. That same paragraph, "Suggest that since the five suspects had been arrested this should be sufficient."

Sufficient for what? Did that ever occur to you?

General WALTERS. Not really, no, sir. I did not draw any particular assumption from it.

Senator WEICKER. Now, both you and Director Helms have testified that there was discussion of Mexico. I would like to leave it in a broad way. I do not know whether it was Director Helms referring to money. You have indicated it did not come up then but there was discussion of Mexico.

General WALTERS. Yes, sir.

Senator WEICKER. Mexican relationship, et cetera, rather than anything as specific as money, is that correct?

General WALTERS. That is correct, sir.

Senator WEICKER. Do you think that that discussion was substantial enough so that a man of normal recall would remember it? I mean, did it form a part of the discussions that morning?

General WALTERS. It did, Senator. The way I understood it was he felt if the FBI continued its investigation in Mexico in some way which was not clear to me, it would uncover either personnel or activities of the Agency in Mexico.

Senator WEICKER. So it did come up in more than just a casual way?

General WALTERS. Oh, it was quite specific.

Senator WEICKER. Quite specific.

General WALTERS. And the request to the FBI to, in a sense, not push the investigation at that point was limited only to Mexico, nowhere else.

Senator WEICKER. Now, I will read to you from Mr. Haldeman's testimony before this committee:

Mr. DASH. Do you recall discussing at that meeting that one of their concerns was that the CIA might want to have an investigation by the FBI with regard to the Mexican money?

Mr. HALDEMAN. No, I did not.

Mr. DASH. Mexican relationship.

Mr. HALDEMAN. I do not recall the Mexican question being raised either by the President that morning in his instructions to me to hold the meeting or by me in the meeting.

Do you dispute Mr. Haldeman's testimony on that point?

General WALTERS. I will stand on my own recollection of the matter, Senator.

Senator WEICKER. I have no further questions.

Senator ERVIN. General, on behalf of the committee, I want to thank you for your appearance here and the testimony which you have given the committee.

General WALTERS. Thank you, Mr. Chairman.



Senator ERVIN. The committee will stand in recess until 2 o'clock.  
[Whereupon, at 12:25 p.m., the hearing was recessed, to reconvene at 2 p.m., this same day.]

AFTERNOON SESSION, FRIDAY, AUGUST 3, 1973

Senator BAKER [presiding]. The committee will come to order. The chairman has been temporarily delayed, and he asked that we resume the hearings in the interest of time.

Would counsel call the next witness?

Mr. DASH. Patrick Gray.

Mr. GRAY. Yes, sir.

Senator BAKER. Would you please stand and hold up your right hand? Do you swear that the evidence you are about to give before the committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. GRAY. I do, sir.

Senator BAKER. Thank you, sir. You may be seated.

Mr. GRAY. Mr. Chairman, if I may please, I would—

Mr. DASH. Mr. Gray, prior to doing that for the record, could we have your full name and address?

**TESTIMONY OF LOUIS PATRICK GRAY III, FORMER ACTING DIRECTOR, FEDERAL BUREAU OF INVESTIGATION; ACCOMPANIED BY STEPHEN H. SACHS, COUNSEL**

Mr. GRAY. Yes; my full name is Louis Patrick Gray III. I live in Stonington, Conn.

Mr. DASH. And we see that you are accompanied by counsel. Will counsel please identify himself for the record?

Mr. GRAY. Counsel, if I may, may I introduce, Mr. Chairman, my counsel to the committee?

Senator BAKER. Certainly.

Mr. GRAY. He is Stephen H. Sachs of Baltimore, Md., of the firm of Frank, Bernstein, Conway & Goldman, and we are also accompanied today, Mr. Chairman, by his secretary, Mrs. Marie H. Hertslet.

Senator BAKER. Who is blushing becomingly in the back of the room.

Mr. DASH. Mr. Chairman, the questioning of Mr. Gray will be done by Mr. Rufus Edmisten, deputy chief counsel, but I understand, Mr. Gray, that you have a statement that you wish to read to the committee first.

Mr. GRAY. Yes, I do. Professor Dash. With the kind indulgence of the committee, I would like to read this statement.

Senator BAKER. Would you please, proceed, Mr. Gray?

Mr. GRAY. Thank you, sir.

Mr. Chairman, I do not welcome this opportunity to appear before this committee. In fact, I regret deeply the circumstances which necessitate my appearance today. At the same time, I appear before you voluntarily as an officer of the United States to testify without claim of privilege or immunity.

My prepared statement will cover two areas believed to be of prime interest to the committee—the CIA dimension and the Howard Hunt files. I cannot possibly review the entire Watergate investigation in

the time available and I do not believe the committee expects me to launch into such a review. Nevertheless, upon the conclusion of my statement, I stand ready to answer any questions which the committee or counsel may desire to ask about any aspect of my stewardship of the FBI.

I do have, Mr. Chairman, a few preliminary remarks which precede my discussion of the areas believed to be of prime interest to the committee.

I was appointed Acting Director of the FBI by Attorney General Kleindienst on May 3, 1972. I looked upon this appointment as a return to the service of my country similar to that which I had rendered in the U.S. Navy for 26 years. I looked forward then to many years of additional service to the country in the company of the honorable and dedicated men and women of the FBI.

On May 16, 1972, my personal staff and I moved into the offices formerly occupied by the late J. Edgar Hoover; 1 month later, on June 17, 1972, the burglary of the headquarters of the Democratic National Committee in the Watergate Hotel occurred.

At the outset, Mr. Chairman, I want to acknowledge that I am fully, totally, and completely responsible for the performance of duty of myself and of the men and women of the FBI during the year that I served as their Acting Director. They, of course, are not in any way responsible for my performance of duty or for any personal acts or judgments of mine which occurred during the period I served as Acting Director.

#### THE CIA DIMENSION

At the time of the Watergate break-in I was on the west coast visiting FBI field offices and meeting a commitment to make a commencement address at Pepperdine University Law School in Santa Ana. I returned to Washington on the evening of June 20 and received a phone call from John Ehrlichman the next morning. Mr. Ehrlichman informed me that John Dean would be handling an inquiry into Watergate for the White House, that I should deal directly with John Dean concerning the investigation and that Mr. Dean was expecting a call from me. Mr. Ehrlichman and I then discussed the matter of procedural safeguards against leaks and I told him that we were handling this case as a major special with all of our normal procedures in effect. I also indicated to him that we were going to conduct an aggressive and vigorous investigation and would probably be interviewing people at the White House.

I called Mr. Dean upon my return to my own office at 10 a.m., and arranged to meet with him at 11:30 a.m., in my office on June 21, 1972. At our meeting he discussed with me the sensitivity of the investigation and the need to avoid leaks in a political year. He also informed me that he had the responsibility to handle this inquiry for the White House and would sit in on any interviews of White House staff personnel. Mr. Dean stated that he would be there in his official capacity as counsel to the President.

I know that I specifically asked Mr. Dean on two occasions if he would be making his reports direct to the President. I believe that this was one of those occasions and I believe that the other occurred when we were discussing the transmission of FBI file material to him to

assist him in his inquiry. I asked Mr. Dean if he would be reporting directly to the President or through Mr. Haldeman or Mr. Ehrlichman. He informed me that he would be reporting directly to the President.

At this meeting with Mr. Dean there was no discussion of whom we were going to interview or where our leads might take the investigation. We did discuss the scheduling of White House interviews through Mr. Dean and his sitting in on the interviews as counsel to the President.

On Thursday, June 22, 1972, after being briefed by Mr. Charles W. Bates, Assistant Director, General Investigative Division, regarding the latest developments in the *Watergate* case and undoubtedly as a result of information developed at that briefing, I telephoned Director Helms of the CIA. I told him of our thinking that we may be poking into a CIA operation and asked if he could confirm or deny this. He said he had been meeting on this every day with his men, that they knew the people, that they could not figure it out but that there was no CIA involvement.

I met again with Mr. Dean at 6:30 p.m. the same day to again discuss the scheduling of interviews of White House staff personnel and to arrange the scheduling of these interviews directly through the Washington field office rather than through FBI headquarters. At this meeting I also discussed with him our very early theories of the case; namely, that the episode was either a CIA covert operation of some sort simply because some of the people involved had been CIA people in the past, or a CIA money chain, or a political money chain, or a pure political operation, or a Cuban right wing operation, or a combination of any of these. I also told Mr. Dean that we were not zeroing in on any one theory at this time, or excluding any, but that we just could not see any clear reason for this burglary and attempted intercept of communications operation.

I believe that it was at this meeting on June 22 that I told him of our discovery of a bank account in the name of Bernard Barker, who was arrested in the *Watergate* burglary, and the fact that a \$25,000 check associated with Kenneth Dahlberg and four checks drawn on a Mexican bank payable to Manuel Ogarrio, in the total amount of \$89,000, were deposited in the Barker account. I do not have a clear memory of telling him about my telephone call earlier in the day to Director Helms regarding the question of CIA involvement. It is likely that I would have discussed the Helms call with him in connection with our discussion of the theories of the case, since Mr. Helms had informed me that there was no CIA involvement.

On Friday, June 23, 1972, Mr. Bates met with me again to brief me on recent developments. I telephoned Mr. Dean following my meeting with Mr. Bates. I am quite certain that this call again involved the Barker bank account and the Ogarrio and Dahlberg checks. Either in this call or in the meeting of the preceding evening Mr. Dean first raised with me the idea that if we persisted in our efforts to investigate this Mexican money chain we could uncover or become involved in CIA operations. I remember telling Mr. Dean in one of these early telephone calls or meetings that the FBI was going to pursue all leads aggressively unless we were told by the CIA that there was a CIA interest or involvement in this case.

At 1:35 p.m. on Friday, June 23, 1972, Mr. Dean telephoned me and said that General Walters, Deputy Director, CIA, would be calling for an appointment that afternoon and I should see him. Mr. Dean said, "He has something to tell you."

At 1:56 p.m. on Friday, June 23, 1972, the secretary to General Walters called my secretary and asked for an appointment. He was scheduled to see me at 2:30 p.m. that afternoon.

Mr. Dean called me again at 2:19 p.m. and it is my recollection that this was a call to ask if I had scheduled a meeting with General Walters for that afternoon. I told him that the meeting had been scheduled for 2:30 p.m. I seem to remember that he asked me to call him after the meeting.

I met with General Walters at 2:34 p.m. on Friday, June 23, 1972. He informed me that we were likely to uncover some CIA assets or sources if we continued our investigation into the Mexican money chain. I understood his statement to mean that if the FBI persisted we would uncover CIA covert operations and that the CIA had an interest in Messrs. Ogarrio and Dahlberg and in the \$114,000 involved. He also discussed with me the agency agreement under which the FBI and CIA have agreed not to uncover and expose each other's sources. I had not read this agreement and still have not, but it was logical to me at that time and I did not question General Walters.

I undoubtedly said to General Walters that we will handle this in a manner that would not hamper the CIA, and that I would have to make a determination as to how the FBI would proceed with our investigation in this area.

I knew from Mr. Dean's earlier telephone conversation with me on this day that General Walters would be coming to see me, but I have no recollection or memory whatsoever of General Walters informing me at this meeting that he was coming to me after talking to the White House, or that he had talked to the White House at all. I understood him to be stating a CIA position, not a White House message.

At this point I would like to comment on General Walters' memorandum of this meeting, which I understand to be in evidence before this committee. With respect to General Walters' statement in paragraph 2 of his memorandum that "his—Gray's—problem was how to low key this matter now that it was launched," I may have said words to this effect to let him know that we would handle the CIA aspects of this matter with kid gloves. I can state categorically, however, that any sentiment of that kind expressed by me was an effort by me to abide by the CIA-FBI agreement and related solely to the possibility of exposing CIA covert activities in the pursuit of our investigation into Mexico. This sentiment, if expressed, could in no way have related to any effort by me or the FBI to "low key" the Watergate investigation generally.

In fact, the FBI did not low key the Watergate investigation generally and instructions were issued at the outset of the investigation and regularly thereafter to insure that this case was handled as a major case under the immediate supervision of the special agent in charge of each field office to which investigative leads were referred by the Washington field office or any other field office setting out leads to be pursued.

With respect to the rest of the paragraph, I may have mentioned the \$89,000 to General Walters. I do not remember, but, if I did, I would have talked in terms of four checks in this total amount—not “a check” as his memo states—simply because four checks were involved. I probably also spoke of the name Ogarrio as well as Dahlberg simply because these two men, Mr. Ogarrio and Mr. Dahlberg, were always associated in my mind with the \$89,000 in four checks, the Ogarrio checks, and with the \$25,000 in one cashier's check, the Dahlberg check, which were traced to the bank account of Bernard Barker.

With respect to General Walters' comment in paragraph 3 of this memorandum that I said “that this was a most awkward matter to come up during an election year,” it is certainly possible that in the course of my conversation with General Walters I may have expressed the thought that the Watergate case was a “hot potato” for a new Acting Director and the FBI in an election year, and for the President, too. I know that I expressed this thought to many people at various times. “Watergate is just what I needed” was a refrain I know I struck with friends on numerous occasions. General Walters' references to “he—Gray—would see what he could do,” and “he \* \* \*—Gray—would have to study the matter and see how it could best be done,” could only relate to my admitted desire to pursue this investigation without compromising CIA assets and resources. In no way, shape, or form did I say or seek to imply to General Walters, or to anyone else, for that matter, that the FBI investigation would be other than aggressive and thorough. The only conceivable, limited exception was the alleged national security considerations being presented to me by General Walters and Mr. Dean which, as the record will show, brought about a delay in the interview of several persons for a period of 10 days to 2 weeks.

As a matter of fact, and as my testimony will make clear in more detail, I ordered our agents to continue to probe the Mexican money chain and the Dahlberg relationship during this period that the personal interview with Mr. Ogarrio was being held in abeyance and Mr. Dahlberg was evading us as we tried to interview him.

Finally, I have no recollection whatever of General Walters making any statement as he alleges in paragraph 4 of his memorandum to the effect that his “job had been an awkward one.”

Upon General Walters' departure, I telephoned Mr. Dean and told him of the meeting with General Walters. I told Mr. Dean that we would hold up our interviews temporarily and work around this problem until we determined what we had encountered.

At 3:15 p.m. I telephoned Assistant Director Bates to tell him of my visit from General Walters and to tell him that CIA had an interest in this matter and that we may have uncovered a CIA money chain. In this telephone conversation, I undoubtedly ordered Mr. Bates to temporarily hold up an interview with Mr. Ogarrio but to continue to conduct appropriate investigation at Banco Internationale at Mexico City regarding the four Ogarrio checks, to continue to follow Mr. Dahlberg's movements and to continue to obtain toll call records of his long distance phone calls as we sought to interview him.

On the afternoon of Friday, June 23, 1972, I again telephoned Mr. Dean on two occasions, once at 3:24 p.m. and once at 3:47 p.m. I cannot be absolutely certain that the names Ogarrio and Dahlberg were

mentioned in connection with the CIA situation. It is my best recollection, however, that they were and I undoubtedly told him that we would continue our peripheral investigation because of the apparently inconsistent reports I had received from Helms and Walters. He requested that we not conduct any interviews that would expose CIA sources in connection with our investigation into the source of the \$114,000 in checks that were deposited in Mr. Barker's bank account. Again I told Mr. Dean that we would hold off temporarily with interviews of Ogarrio and work around this problem to determine what we were encountering.

On Tuesday morning, June 27, 1972, I met with Mr. Bates and Mr. Mark Felt, Acting Associate Director, to receive a briefing on the latest developments. While they were in the office Mr. Dean called. The call involved establishing the chain of custody for the contents of Howard Hunt's safe and his providing us with photographs of certain White House staff members to aid us in identifying an individual who had been with Mr. Hunt at the Miami Playboy Club in December of 1971. In this conversation I also told Mr. Dean that if Mr. Dahlberg continued to evade us he would be called before the grand jury. Although I cannot pinpoint the exact telephone conversation, I believe that by this date Mr. Dean had requested that Mr. Dahlberg not be interviewed because of alleged CIA interest in him.

In this same conversation, I also told Mr. Dean that it was extremely important that the FBI continue its aggressiveness until we determine the motive, reasons, and identity of all persons involved. I said that I might be called upon at a later date to testify before congressional committees and we could not have the FBI accused of not pursuing this case to the end.

Following the briefing by Mr. Felt and Mr. Bates and as an outgrowth of it, I telephoned Director Helms of the CIA and asked him to tell me specifically if the CIA had any interest in Mr. Ogarrio that would prevent us from interviewing him and also asked that he and General Walters meet the following day at 2:30 p.m. in my office with me, Mr. Felt, and Mr. Bates to review our respective positions in this investigation. Director Helms told me that he would have to check to determine whether the CIA had any interest in Mr. Ogarrio and would call me later. I advised Mr. Felt of this meeting and also asked that he notify Mr. Bates. Director Helms called me back later that afternoon, told me the CIA had no interest in Mr. Ogarrio, and confirmed our meeting for the next day.

Just 7 minutes after Director Helms' call to me, Mr. Dean called me at 3:47 p.m., and although I cannot be absolutely certain, I believe this was a call again requesting me to hold off interviewing Mr. Ogarrio and Mr. Dahlberg because of CIA interest in these men. I cannot recall if I told him that I had just talked to Director Helms who informed me that CIA had no interest in Mr. Ogarrio and that I was going to order that Mr. Ogarrio be interviewed. I seem to remember that Mr. Dean said to me that these men have absolutely nothing to do with Watergate, but I cannot remember whether he said this to me in this conversation or in earlier conversations.

On Wednesday, June 28, 1972, at 10:25 a.m., Mr. Dean telephoned me and talked about rumors of leaks from the FBI, the material from Hunt's safe previously delivered to the FBI, rumors of a slowdown in

the FBI, and leaks from the FBI concerning the tracing of the \$114,000. Once again I believe there was some discussion about Ogarrio and Dahlberg and it is my recollection that I was asked if I had ordered the interviews of Ogarrio and Dahlberg. I replied that I had either ordered or was going to order the interview of Ogarrio. In this discussion, I may have told Mr. Dean that I had arranged to meet with Director Helms and Deputy Director Walters at 2:30 p.m. that afternoon to try to get this CIA situation resolved, but I cannot be positive that I did.

At 10:55 a.m. on this same day Mr. Ehrlichman called me. I was not available, but I returned his call at 11:17 a.m. His first words, issued abruptly, were: "Cancel your meeting with Helms and Walters today; it is not necessary." I asked him for his reasons and he simply said that such a meeting is not necessary. I then asked him point blank who was going to make the decisions as to who is to be interviewed. He responded, "You do."

I then telephoned Director Helms to tell him that I was canceling our meeting. I also advised Messrs. Felt and Bates of the cancellation, but stated that the three of us would meet. In this same conversation with me, Director Helms requested that we not interview active CIA men Karl Wagner and John Caswell. I passed this information to Mr. Felt and instructed that these men not be interviewed. Before orders could get to the field, however, Mr. Caswell had already been interviewed.

I met with Mr. Felt and Mr. Bates in my office at 2:30 p.m. on this Wednesday afternoon, June 28, to review the CIA situation. In this meeting I was brought up to date on all the latest developments in the case. I can recall specifically discussing with them the alleged compartmentalization at CIA where the right hand is not supposed to know what the left is doing in sensitive operations and asked if this could occur. We agreed that it was possible, but unlikely in the absence of some special White House interest in the highest classification of national security interests where the need to know was rigidly controlled.

Mr. Bates pointed out that under no circumstances should we back off any investigation at the request of CIA without forcing them to reveal completely their interest in this matter. We all agreed that the FBI's reputation was at stake and I assured them that I would not hold back the FBI in this investigation at anyone's request, including the President of the United States, in the absence of overriding and valid considerations. I told them that if I were ordered to do so without valid reasons, I would resign.

It was in this meeting that I believe I gave Mr. Felt and Mr. Bates instructions to go ahead with the interview of Mr. Ogarrio and to continue our efforts to locate and interview Mr. Dahlberg.

At 3:58 p.m., June 28, Mr. Dean called and I was not available. I returned the call at 4:35 p.m. and I believe now that this call involved a request by Mr. Dean to hold up on the interview of Miss Kathleen Chenow for alleged reasons of national security until she returned from her vacation in England. I'm sure I said we would hold up for the time being but she would have to be interviewed soon. I can recall saying that we will interview her in England unless she returns from vacation at an early date. Mr. Dean gave me her address

in England in this conversation, I believe, and I passed it along in a call to Mr. Felt in which I instructed him to temporarily discontinue leads to interview and investigate Miss Kathleen Chenow in England.

In the evening of this same day, Wednesday, June 28, 1972, a cablegram was sent to our legat in Mexico City instructing him to interview Mr. Ogarrio concerning the four checks in the aggregate amount of \$89,000. This order was issued in the afternoon meeting with Mr. Felt and Mr. Bates, I believe, because of the phone call I made to Director Helms on June 27 asking if the CIA had any interest in Mr. Ogarrio and his reply to the effect that CIA had no interest.

At 8:15 a.m. on Thursday, June 29, 1972, I issued orders to cancel the interview of Mr. Ogarrio and to instruct the Minneapolis Field Division to make no further attempts to interview Mr. Dahlberg but to continue to obtain records of his long distance calls. I am fairly certain that I did so as the result of a telephone call I received from Mr. Dean at home, prior to my departure to Dulles Airport for an inspection trip to San Diego and Phoenix. He again urged that these interviews be held up for national security reasons or because of CIA interest. I called Mr. Felt, or his office, and gave these cancellation orders. On my own initiative I also ordered that George Munro, CIA station chief at Mexico City, not be interviewed because I noted in one of the many reports that crossed my desk that he was CIA station chief in Mexico City.

In San Diego, on Friday, June 30, I received a call from Mr. Felt. He informed me that Assistant U.S. Attorney Silbert wanted the FBI to interview Mr. David Young, Mr. Ogarrio and Miss Chenow and that our Washington Field Office recommended interviews of Mr. Mitchell, Mr. Young and Miss Chenow. I instructed Mr. Felt to tell Mr. Dean that we were going to interview Mr. Mitchell, Mr. Young, Miss Chenow, and any others that we must interview, and I also told him to give to Mr. Dean the message from Assistant U.S. Attorney Silbert just as we had received it.

Mr. Dean had called me earlier that morning to complain bitterly about alleged leaks from the FBI. In this conversation it is my recollection that he again raised the question of not interviewing Mr. Ogarrio and Mr. Dahlberg and stated that they had absolutely nothing to do with Watergate, but I cannot be certain.

Mr. Dean called me again that afternoon. I do not recall whether or not Mr. Dean and I discussed Messrs. Ogarrio and Dahlberg in this conversation. I do know that Mr. Dean asked me to consider setting up a special group in the FBI to investigate the entire matter of leaks. I told him that it was not necessary and that I would not take such action.

Mr. Felt called me later that afternoon to report that Mr. Dean informed him that Mr. Young and Miss Chenow would be available for interview during the first part of the coming week. He also told me that Mr. Dean was still complaining about alleged leaks from the FBI.

On Monday, July 3, 1972, I scheduled a meeting with Messrs. Felt, Bates, and Kunkel, special agents in charge of the Washington field office, to review the investigation to date and to consider all ramifications of a possible CIA involvement. This meeting lasted from 2:30 p.m. until just about 4 p.m., and we discussed every possible theory,



the conflicts to date in CIA interest or not, and the compartmentalization alleged to exist in CIA.

Mr. Dean called at 2:40 p.m. and I merely told him that I was in a meeting and that I would return his call.

In this meeting I stated that I was not going to hold off any longer on this phase of our investigation at the request of anyone unless I received from CIA a written request not to interview Mr. Ogarrio and Mr. Dahlberg.

I returned Mr. Dean's call at 3:59 p.m., and he called me again at 4:14 p.m. I believe it quite likely that in one of these phone calls I told Mr. Dean that the FBI was going to interview Ogarrio and Dahlberg unless we had a writing from the CIA requesting that we not do so.

On Wednesday, July 5, at 5:54 p.m., I telephoned General Walters. My contemporaneous notes of this call read as follows:

7-5-72 Wed—5:55 p.

TCT General Walters.

(Dick Walters)

1. I will need a request in writing rather than the verbal request to refrain from interviewing Ogarrio and Dahlberg because of CIA interest.

2. Position of developing investigation indicates there is CIA involvement in that some of these men have been used by CIA in part and there is indication some are currently being used; there is the dollar chain either CIA or political; I do not want to uncover and surface a CIA national security operation in pursuing these leads, but I must for the record have in writing from CIA a request to refrain on the basis of national security matters or I must proceed.

3. He stated that he would respond not later than 10 a.m., tomorrow.

4. I said that I would order the interviews if I did not have the writings by 10 a.m.

At the bottom of this telephone memorandum I have written "gave above info to JWD, WMF, CWB, from 6 p to 6:10 p.," and those men are Messrs. Dean, Felt, and Bates.

At this point I would like to comment on General Walters' memorandum of this phone call which I believe is in evidence before this committee.

With respect to General Walters' statement that I told him that "the pressures" on me "to continue the investigation was great," I am quite certain that I did not so express myself. It is entirely possible, however, that on the limited question of the alleged impact of the investigation on CIA/national security matters, the only topic General Walters and I were discussing, I may have expressed the thought that the leads to Messrs. Ogarrio and Dahlberg were clear and that their interviews were a necessity which only the clearest expression of national security interest should prevent and that the FBI, for the sake of its own integrity, would refrain from conducting the interviews only if we received such a written request from the CIA.

With respect to General Walters' statement that "he [Gray] had talked to John Dean," while I have no specific recollection of telling General Walters that I had talked to John Dean, it is entirely likely that I did tell General Walters that I had informed Mr. Dean that the FBI was going to interview Messrs. Ogarrio and Dahlberg unless we had a writing from the CIA requesting that we not do so.

On Thursday, July 6, 1972, I met with General Walters in my office. I remember that he delivered to me the writing that I requested and I remember that it indicated the CIA had no interest in Ogarrio or Dahlberg. After reading the document, I concluded that there was no reason for us to not interview Messrs. Ogarrio and Dahlberg. When General Walters departed my office at about 10:25 a.m. or 10:30 a.m., I ordered the interviews of Ogarrio and Dahlberg immediately.

My recollection of the conversation with General Walters at this meeting differs with his in several respects.

My principal recollection is his preoccupation with the fact that he was unable to give me a writing stating that there was a CIA interest in Ogarrio and Dahlberg and his telling me that he would resign if he were asked or directed to give me such a writing. He reported this thought to me several times during our conversation.

I recall that General Walters indicated a feeling of irritation and resentment at the extent to which White House aides had involved themselves in the question of CIA interest but I do not recall his giving me any details and I have absolutely no recollection of his disclosing to me that he had been instructed to bring a false report to me. I asked for no details.

I, too, was concerned and disturbed at the contradictory reports I had been receiving from Director Helms, Mr. Dean, and General Walters with respect to CIA interest and at the abrupt cancellation by Mr. Ehrlichman of the meeting I had scheduled with Director Helms and General Walters on June 28. I undoubtedly so expressed myself to General Walters.

My recollection is that he and I then engaged in a general discussion of the credibility and position of our respective institutions in our society and of the need to insure that this was maintained. Toward the end of the conversation, I recall most vividly that General Walters leaned back in the red overstuffed leather chair in which he was sitting, put his hands behind his head and said that he had come into an inheritance and was not concerned about his pension, and was not going to let "these kids" kick him around any more.

We stood up together as he prepared to leave. I cannot recall which one of us suggested that we ought to call the President to tell him of this confusion and uncertainty that had been encountered in determining CIA interest or no CIA interest. I believe it was General Walters who suggested it first, because I can firmly recall saying to him, "Dick, you should call the President, you know him better than I." I believe he said, "No, I think you should because these are persons that FBI wishes to interview." We did not settle on who, if anyone, would make such a call and General Walters left.

At this point I would like to comment on some aspects of General Walters' memorandum of our meeting of July 6.

(a) With respect to General Walters' assertion in paragraph 1 that "in all honesty I—Walters—could not tell him to cease future investigations on the grounds that it would compromise the security interests of the United States. Even less so could I write him a letter to this effect."

We did not at any time discuss a curtailment of the entire investigation. In our telephone conversation on July 5 I had asked him specifically about Messrs. Ogarrio and Dahlberg and had said to him that in

interviewing them we did not want to uncover and surface a CIA national security operation. In our July 6 meeting I most definitely recall General Walters saying that he could not write a letter stating that our investigation of Ogarrio and Dahlberg would jeopardize national security. I distinctly remember that his inability to write such a letter to the FBI was the strong central theme of his comments throughout the meeting.

(b) With respect to General Walters' assertion in paragraph 1 that "he—Gray—himself had told Ehrlichman and Haldeman that he could not possibly suppress the investigation of this matter \* \* \*"

I did not discuss the Watergate investigation with Mr. Haldeman at any time except that during my confirmation hearings in 1973 at the request of Senator Kennedy I telephoned Mr. Haldeman to ask whether Mr. Dean had shown Mr. Haldeman copies of the FBI reports of interview.

At no time did anyone ever order or request me to suppress this investigation. As I have testified, I was obviously aware of the "hot potato" aspect of the investigation, sensitive to any implication that the FBI would not do a thorough job and undoubtedly told any number of people, perhaps including Mr. Ehrlichman and certainly including Mr. Dean, that the FBI would follow its leads wherever they led.

I was saying privately as well as publicly, and I may have told General Walters, that there was just no way to stop or divert an FBI investigation once it began. I was making the point publicly in response to press inquiries that no one man could do it and to control an FBI investigation would require control of too many people from the Attorney General down to the case agents. I also was saying at this time and later that even if an attempt were made to control and direct an FBI investigation, the details of such an effort would leak. And in this connection I probably mentioned to General Walters my Saturday, June 24, 1972 meeting with our Washington field office agents on the subject of alleged leaks of FBI information.

(c) With respect to General Walters' assertion in paragraph 2 concerning his alleged report to me of his White House conversations.

I have no recollection of being told by General Walters that he and Director Helms had met with White House staff assistants and that General Walters had been directed to tell me that pursuit of the investigation would uncover CIA covert operations. I have absolutely no recollection of any kind of being told by General Walters that he had been instructed by White House aides to bring a false tale to me concerning CIA interest and that he had in fact done so on June 23. I am sure that if General Walters had told me this I would remember it. Indeed, I was shocked when I first read newspaper accounts in May 1972, apparently based on this memorandum. I have no recollection of General Walters mentioning any visits or discussions with Mr. Dean.

As I have already indicated, I do remember that he repeatedly stated his inability to write a letter indicating that the CIA had an interest in Messrs. Ogarrio and Dahlberg and that he would resign if directed to do so. I am quite certain that he spoke of such a course as dangerous to the President and, although I do not recall his use of the phrase "mortal wound," I know that I used it in my subsequent conversation

with the President and it seems to me quite likely that I picked up the phrase from General Walters.

(d) With respect to General Walters' assertion in paragraph 3 that I informed him that I had told Attorney General Kleindienst that I could not suppress the investigation.

Never did I have any occasion to say to the Attorney General that I could not suppress the investigation within the FBI. And I certainly do not believe I said this to General Walters. I had no reason to do so. Again, I believe that General Walters may be confusing my possible references to my public remarks and my thoughts that to control an investigation of the FBI, one would have to control everyone involved from the Attorney General down to the case agent. My contacts with Mr. Kleindienst were extremely limited throughout the investigation, never involved discussion of its details and always assumed that the investigation would be full and thorough. In fact, at the outset of the investigation I had a telephone conversation with Mr. Kleindienst in which we explicitly agreed that this should be a vigorous investigation. I may very well have mentioned this to General Walters.

(e) With respect to General Walters' assertion in paragraph 3 that "he—Gray—had told Ehrlichman and Haldeman that he would prefer to resign, but his resignation would raise many questions that would be detrimental to the President's interests."

I have no recollection whatever of having made this statement to General Walters. I certainly never made such a statement to either Mr. Ehrlichman or Mr. Haldeman. I had so expressed myself to my own people within the FBI in the context of our discussions of our determination to proceed to interview Messrs. Ogarrio and Dahlberg unless we received a written statement of CIA interest. A narrative memorandum prepared by Assistant Director Bates of the General Investigative Division recounts a meeting between Mr. Felt, Mr. Bates, and me on June 28, 1972, and I quote from that memorandum:

(Mr. Bates) pointed out that under no circumstances should we back off of any investigation at the request of CIA without forcing them to reveal completely their interest in this matter. Mr. Felt and I both pointed out that the FBI's reputation was at stake as well as Mr. Gray's position: that we did not feel that we should hold back under any circumstances unless the reasons therefore were publicly expressed. Mr. Gray made it plain that he would not hold back the FBI in this investigation at anyone's request, including the President of the United States, and if he were ordered to do so he would resign.

It is certainly possible that I discussed this conversation with Mr. Felt and Mr. Bates with General Walters in the context of his telling me that if he were directed to write a letter asserting CIA interest in Messrs. Ogarrio and Dahlberg he would resign.

(f) With respect to General Walters' assertion in paragraph 3 that "he—Gray—was prepared to let this go to Ehrlichman, to Haldeman, or to Mitchell, for that matter."

I have no recollection whatever of mentioning specific names and do not believe that I did but it is certainly possible that I told General Walters that I would take the investigation wherever it led.

(g) With respect to General Walters' assertion in paragraph 3 that—

He—Gray—felt it important that the President should be protected from his would-be protectors. He had explained this to Dean as well as Haldeman and Ehrlichman.

It is possible that I expressed the sentiment contained in the first quoted sentence in the context of responding to the general expressions of irritation at White House aides I heard from General Walters. I could not have told him that I “explained this” to Dean, Haldeman, and Ehrlichman because I never expressed such a sentiment to any of them. I had said to Dean on several occasions that the FBI would investigate the case no matter how high it led and may well have told that to General Walters.

(h) With respect to General Walters’ assertion in paragraph 3 that—

He said he was anxious not to talk to Mitchell because he was afraid that at his confirmation hearings he would be asked whether he had talked to Mitchell about the Watergate case and he wished to be in a position to reply negatively.

It is quite possible that I expressed myself along these lines. If I did I am sure that it was in the context of our discussion about expressing our concerns to the President, particularly who, if not the President himself, could be talked to.

(i) With respect to General Walters’ assertion in paragraph 3 that:

He—Gray—said he would like to talk to the President about it but he—Gray—feared that a request from him to see the President would be misinterpreted by the media.

My recollection concerning our conversation about talking to the President is recorded above and I recall nothing further, but it is possible that I did state that I believed a request by me to see the President would be misinterpreted by the media.

(j) With respect to General Walters’ assertion in paragraph 3 that:

I said that if I were directed to write a letter to him saying that future investigation of this case would jeopardize the security of the United States and covert operations of the Agency, I would ask to see the President and explain to him the disservice I thought this would do to his interests. The potential danger to the President of such a course far outweighed any protective aspects it might have for other figures in the White House and I was quite prepared to resign myself on this issue. Gray said he understood this fully and hoped I would stick to my guns. I answered him I would.

As stated above, I absolutely do not recall General Walters saying or implying that White House aides had directed him to write a letter falsely claiming CIA interest but the general thoughts in this excerpt about “danger to the President” and “disservice” to the President’s interest if General Walters were to be directed to write such a letter are what I recall as being the central part of the discussion General Walters and I engaged in.

(k) With respect to General Walters’ assertion in paragraph 5 that I could not “sit on this matter and that the facts would come out eventually.”

I probably did say to General Walters that the facts would come out eventually, as I always believed they would. But I would have had no reason to tell him that I did not believe I could sit on this matter. For the fact was that we were not sitting on it; we were investigating it on a high priority basis. I may again have told him that there was no way

for any one man or group of men to control an FBI investigation even if one wished to do so.

After General Walters left the office I sat at my desk quietly and mulled over our conversation. I was confused, uncertain and uneasy. I was concerned enough to believe that the President would be informed.

I decided to call Clark MacGregor to request that he inform the President of what I would tell him. I decided on Mr. MacGregor because I knew he was close to the President and had his confidence.

At 10:51 a.m., Thursday, July 6, 1972, I spoke to Mr. MacGregor at San Clemente, Calif., via White House switchboard and I told him that Dick Walters and I were uneasy and concerned about the confusion that existed over the past 2 weeks in determining with certainty whether there was or was not CIA interest in people that the FBI wishes to interview in connection with the Watergate investigation. These, of course, are not my exact words but they do express the thoughts that I conveyed to him.

Again, although these are not the exact words, I also conveyed to him the thought that I felt that people on the White House staff were careless and indifferent in their use of the CIA and the FBI. I also expressed the thought that this activity was injurious to the CIA and the FBI, and that these White House staff people were wounding the President.

I asked if he would please inform the President, and it is by best recollection that he said he would handle it.

Thirty-seven minutes later, at 11:28 a.m. on Thursday, July 6, 1972, the President called me. He expressed his congratulations to the FBI and asked that I express his congratulations to the agents in San Francisco who successfully terminated a hijacking there the previous day. I thanked the President and then said to him, and to the very best of my recollection these are the words:

Mr. President, there is something I want to speak to you about.

Dick Walters and I feel that people on your staff are trying to mortally wound you by using the CIA and FBI and by confusing the question of CIA interest in, or not in, people the FBI wishes to interview.

I have just talked to Clark MacGregor and asked him to speak to you about this.

There was a slight pause and the President said, "Pat, you just continue to conduct your aggressive and thorough investigation."

Following this conversation I experienced no further concerns of this kind. I believed that if there was anything to the concerns I expressed to the President or to Mr. MacGregor that I would hear further in the matter. I did not. Frankly, I came to the conclusion that General Walters and I had been alarmists, a belief I held for many months.

General Walters came to my office again on July 12, 1972. At this meeting he apparently gave me a memorandum which, I am now informed, contained information to the effect that the CIA furnished certain aliases to Liddy and Hunt and certain paraphernalia to Hunt. Until I briefly saw a copy of this memorandum this spring in the offices of the U.S. Attorney for the District of Columbia containing a notation of its receipt in my handwriting, I had no recollection of this memorandum. I still do not recall noting its contents at the time.

I am told that the original of this memorandum was found in my safe after I left the FBI. I probably gave it to my secretary to put in the safe after General Walters left my office. It is also possible that I may have routed it to Messrs. Felt and Bates as I know I did with the July 6, 1972, memorandum that General Walters brought to me.

I know that it has been suggested that the information in this memorandum concerning the aliases of Liddy and Hunt would have been of material assistance to the FBI Watergate investigation since Liddy and Hunt used those aliases—Warren and Leonard—in some of their pre-Watergate travels which were under investigation. The insinuation has been made that I somehow purposely suppressed this information to hinder the investigation. This is nonsense. First, as I have stated, I do not recall noting the significance, if any, of the information at the time. Second, I am positive that the FBI had by then clearly established that Liddy and Hunt were "Warren" and "Leonard." And, third, if I had any intention of suppressing this information I would certainly not have left it in my safe. In short, any suggestion that I had any improper intention in my handling of this memorandum is absolutely false.

I have also heard it suggested that the paraphernalia referred to in this memorandum was in fact used in the break-in of the offices of Dr. Ellsberg's psychiatrist. I state categorically that I had absolutely no knowledge of such an event or the plans for such an event until it was reported in the newspapers this spring.

At this point I would like to comment on General Walters' memorandum of July 13 with respect to his meeting with me on July 12.

(a) With respect to General Walters' assertion in paragraph 3 that "He thanked me and said that this case could not be snuffed out and it would lead quite high politically."

I do not remember how or why this subject could have come up at this meeting. In any event I could not have said, "It would lead quite high politically," because I had no basis for such a belief. I suppose I could have speculated that "It could lead quite high politically" or stated that in a case of this nature there is no telling where leads might run. I do not remember any part of the conversation which might have caused me to be talking about "snuffing" out the case. After the July 6, 1972, writing was delivered to me and I ordered the immediate interview of Messrs. Ogarrio and Dahlberg, we had no problems with CIA interest, or noninterest, in our prospective interviewees.

(b) With respect to General Walters' assertion in paragraph 3 that "Dahlberg was in the clear. He had gotten the check from Maurice Stans and had deposited it in the Mexican Bank."

I do not remember talking to him about the Dahlberg check. He may have asked me. In any event if we did discuss it, I could not have made these statements. The facts were that Mr. Dahlberg when interviewed told us that he had collected these moneys in Boca Raton and had turned them over to Mr. Stans and did not know what happened to them thereafter. These funds, to the best of our knowledge in the FBI, were never deposited in the Mexican bank and Stans did not give the check to Mr. Dahlberg. Mr. Dahlberg gave the check to Stans.

I do not recall discussing this with General Walters, but, if I did, I would certainly have discussed it on a factual basis. I think he was

just mixed up in writing or dictating his memo simply because he was not as familiar with the facts in these particular transactions as I was. I may very well have told him it was undoubtedly a political contribution or it was political money. All along we in the FBI thought this to be a CIA covert operation, a CIA money chain, a political operation, a political money washing operation or a combination thereof.

(c) With respect to my report to General Walters of my phone call with the President, including the statements attributed to me, that the President asked if I had talked to General Walters about the case, that the President asked for my recommendation in the case, that I told the President it could not be covered up, would lead quite high, and that the President should get rid of the people that were involved.

I have already testified as to my entire recollection of my telephone call with the President.

With regard to General Walters' version of my conversation with the President, I have to say that it does not square with my memory of what I said to the President or what I said to General Walters about the call from the President. At this July 12, 1972, meeting with General Walters it is my best recollection that I merely said to him that I had spoken to the President last week on the subject we discussed when the President called to congratulate us on a hijacking. I certainly do not remember discussing the conversation other than to tell him just what I had said to the President.

I am quite positive that I did not say to the President that the case could not be covered up, and I have no recollection whatever of telling him that it would lead quite high, and that I felt the President should get rid of the people who were involved, and I am just as positive that I did not make such remarks to General Walters. I probably did tell General Walters that on several occasions I had told John Dean that this investigation would have to expose whoever is involved no matter how high it reached, that Mr. Dean responded, "No matter how high?" and that I said, "Yes, no matter how high." Perhaps General Walters has confused my conversation with Mr. Dean with my conversation with the President.

The only response by the President I now recall or have ever recalled to my remarks was that we should continue our thorough and aggressive investigation.

(d) With respect to General Walters' assertion in paragraph 3 that :

Later on that day, Gray had talked to Dean and repeated the conversation to him. Dean had said, "OK." Gray had heard no more on the subject. He asked whether the President had spoken to me and I said that he had on another matter, but had not brought up this matter with me.

I could not have said that I talked to Mr. Dean and repeated the conversation to him. I did not at any time tell Mr. Dean that I had spoken to the President. My logs, moreover, show no calls to or from Mr. Dean and no visits with Mr. Dean from July 6, 1972, through July 11, 1972.

I did ask General Walters if the President had spoken to him about my call. He said he had talked to the President but not on this subject. I did tell him that I had heard no more on the subject from anyone.

(e) With respect to General Walters' assertion in paragraph 4 that :

Gray then said that the U.S. attorney had subpoenaed the financial records of the Committee To Re-Elect the President. It had been suggested to him that he



stop this. He replied that he could not. Whoever wanted this done should talk to the Attorney General to see if there was any legal way to do this. He could not.

I have absolutely no recollection of anyone ever contacting me to stop any subpoena. I believe I would recall such an event if it occurred. I would certainly have directed any such inquiries to the Attorney General, Assistant General of the U.S. attorney.

I simply do not know how General Walters could have received this thought. It is possible that we could have been discussing a news story, if there was one, about the FBI not subpoenaing appropriate records. But I do not remember discussing this subject with General Walters.

(f) With respect to General Walters' assertion in paragraph 4 that:

He said that he had told the President in 1968 that he should beware of his subordinates who would try to wear his Commander-in-Chief's stripes.

I probably said this to General Walters because I had expressed this thought to the President in a letter to him just after his election in 1968.

(g) With respect to General Walters' assertion in paragraph 5 about resigning, I have no memory of again discussing with General Walters our respective resignations at this meeting.

General Walters came to my office again on July 28, 1972, at 11 a.m., to meet with me, as he says in one of his memorandums, to clarify the last memorandum he had given me in reply to inquiries from Parham re "Cleo." I now know that Mr. Parham was a special agent assigned to the FBI Alexandria field office.

I do not recall or remember the details of this meeting with any degree of precision. It is possible that I recounted the details of this meeting to Mr. Felt or to Mr. Bates and either one of them may have a memorandum in their files regarding it, or the FBI files may contain other relevant information on Mr. Cleo.

I know that I did have a telephone conversation with Mr. Helms regarding Mr. Cleo and this could very well have been the subject of a call I made to Mr. Helms on Thursday, July 27, 1972, at 9:25 a.m. I am quite certain that I was told by Mr. Helms that Mr. Cleo was an electronics engineer for the CIA who had no connection with Watergate, but I am not certain that Mr. Helms and I discussed Mr. Cleo on July 27, 1972, at 9:25 a.m., even though I am quite certain that we did have the conversation regarding Mr. Cleo. I just cannot be sure of the exact date and time.

I know that I discussed Mr. Cleo with Mr. Felt on Friday, July 21, 1972, along with three other matters in a meeting with him from 2:30 p.m. to 3:10 p.m. He may very well have notes on this discussion. Further, Mr. Parham may be able to shed some light on his own inquiries re Mr. Cleo.

At this point I would like to comment on some aspects of General Walters' memorandum of this meeting.

With respect to General Walters' comments concerning furnishing equipment to Hunt, I have no recollection of General Walters' passing this information on to me. Hunt's prior CIA activities, whatever they were, did not have significance for me in relation to Watergate.

I probably did ask General Walters if the President had called him; yet, I have no specific recollection of doing so, nor do I recall his reply.

At no time in any of my conversations with General Walters do I recall or remember saying to him that pressure had been brought to bear on me. Any possible reference to "pressure" could only refer to the Mexican matter—the Barker, Ogarrio, Dahlberg dollars—and the asserted CIA/national security dimension.

General Walters and I may have been discussing the credibility and integrity of our two agencies and I could have told him that it began to look as if the Mexican money chain was also a political contribution chain from Texas contributors and that we were going to have to run it down in relation to the criminal investigation of the bugging of Democratic headquarters.

If General Walters told me that they intended to terminate the 965-9598 number, it had no significance to me. I did not know anything about such a number and certainly would not have asked any questions about this number simply because I would have believed it to be a number associated with CIA operations and I would not have made any inquiries concerning this number.

I could have said to General Walters, "This is a hell of a thing to happen to us at the outset of our tenure with our respective offices," although I do not remember saying it to him on this particular occasion.

The only other CIA contacts I can recall at this time are as follows:

(a) On October 18, 1972, Director Helms visited me. He said he had come by to see me as a courtesy before he went to see the Attorney General. He said that one of his lawyers had met with Assistant U.S. Attorney Silbert the previous week. Mr. Helms also told me that CIA was to provide documented answers to questions of the assistant U.S. attorney.

He did not tell me what the subject matter or nature of the questions was and I did not ask him, feeling that CIA business was not my business. In fact, I had a hard time trying to figure out why he came to see me because his conversation was so general and nonspecific. I assumed, of course, that the questions had to do with Watergate and CIA's role in Watergate, if any; however, I did not question Director Helms about this and he did not offer to enlighten me.

(b) General Walters came to see me again on February 21, 1973, at 9 a.m.

My notes of this meeting show that the topics discussed involved national security projects of great sensitivity. If the committee wants to hear about this meeting, I would respectfully request that my testimony be taken in executive session.

(c) General Walters came to see me again on Thursday, April 12, 1973, at 10:37 a.m., on one of the national security projects we discussed in the meeting of February 21, 1973. If the committee wants to hear about this meeting I respectfully request that my testimony be taken in executive session.

There has been hearsay testimony before this committee to the effect that I was furnished material from the CIA containing photographs of Gordon Liddy standing in front of Dr. Ellsberg's psychiatrist's office. This statement records my entire recollection of receipt of information concerning Hunt or Liddy. I never at any time was in possession of such photographs or knew of their existence. I also had and have no information related to any discussions between the White

House, Department of Justice, and CIA on the subject of retrieval by the CIA of CIA information furnished to the Department of Justice.

#### THE HOWARD HUNT FILES

Prior to a meeting I had with Mr. Dean and Mr. Ehrlichman in Mr. Ehrlichman's office on the evening of June 28, 1972, I had no knowledge from any source whatever of the existence of these particular files or of the information and instructions I was to receive that evening.

I arrived at Mr. Ehrlichman's office at about 6:30 p.m. that evening for the purpose of discussing with him the many rumors and allegations concerning leaks of information from the FBI regarding the Watergate investigation. One of his secretaries told me to go right on into his private office. Mr. Dean was in the office talking with Mr. Ehrlichman. I remember being surprised at Mr. Dean's presence because I had not known that he would be at the meeting.

After the usual greetings were exchanged, Mr. Ehrlichman said something very close to, "John has something that he wants to turn over to you." I then noticed that Mr. Dean had in his hands two white manila, legal-size file folders. It is my recollection that these folders were not in envelopes at this time.

Mr. Dean then told me that these files contained copies of sensitive and classified papers of a political nature that Howard Hunt had been working on. He said that they have national security implications or overtones, have absolutely nothing to do with Watergate and have no bearing on the Watergate investigation whatsoever. Either Mr. Dean or Mr. Ehrlichman said that these files should not be allowed to confuse or muddy the issues in the Watergate case.

I asked whether these files should become a part of our FBI Watergate file. Mr. Dean said these should not become a part of our FBI Watergate file, but that he wanted to be able to say, if called upon later, that he had turned all of Howard Hunt's files over to the FBI.

I distinctly recall Mr. Dean saying that these files were "political dynamite," and "clearly should not see the light of day."

It is true that neither Mr. Ehrlichman nor Mr. Dean expressly instructed me to destroy the files. But there was, and is, no doubt in my mind that destruction was intended. Neither Mr. Dean nor Mr. Ehrlichman said or implied that I was being given the documents personally merely to safeguard against leaks. As I believe each of them testified before this committee the White House regarded the FBI as a source of leaks. The clear implication of the substance and tone of their remarks was that these two files were to be destroyed and I interpreted this to be an order from the counsel to the President of the United States issued in the presence of one of the two top assistants to the President of the United States.

It is my recollection that I asked for large brown envelopes in which to place the files. I believe that Mr. Dean stepped briefly into the outer office to obtain the envelopes and placed each file in a separate brown envelope in Mr. Ehrlichman's inner office and handed them to me.

Although my memory is not perfectly clear on this, I believe Mr. Dean then left Mr. Ehrlichman's office and I stayed for 5 or 10 minutes

to discuss the rumors and allegations of leaks from the FBI. These were the same rumors that had been rampant in the first week of the investigation. I believe that I told Mr. Ehrlichman that I had spoken to all of the agents assigned to the case and was quite confident that these leaks had not come from the FBI.

I then left Mr. Ehrlichman's office with the two manila envelopes containing the files, went to my car, placed the files in my briefcase, and proceeded to my apartment. I placed the files on a closet shelf under my shirts. After 2 or 3 weeks I took them into the office and placed them in my personal safe.

To the best of my recollection I removed the files to my home in Stonington, Conn., in late September or early October 1972 and placed them in a chest of drawers in the area just outside my bedroom. I intended to burn them but I did not get around to doing so until after my illness, hospitalization, and convalescence in the latter half of November and December.

I distinctly recall that I burned them during Christmas week with the Christmas and household paper trash that had accumulated immediately following Christmas. To this point I had not read or examined the files. But immediately before putting them in the fire I opened one of the files. It contained what appeared to be copies of "top secret" State Department cablegrams. I read the first cable. I do not recall the exact language but the text of the cable implicated officials of the Kennedy administration in the assassination of President Diem of South Vietnam. I had no reason then to doubt the authenticity of the "cable" and was shaken at what I read. I thumbed through the other cables in this file. They appeared to be duplicates of the first cable. I merely thumbed through the second of the two files and noted that it contained onionskin copies of correspondence. I did not absorb the subject matter of the correspondence and do not today, of my own knowledge, know what it was.

Mr. Dean has described in testimony before this committee a conversation with me at a Department of Justice luncheon which he placed during or shortly after January of this year, at which I allegedly told him to "hang tight" on not disclosing my receipt of the documents and informed him that I had destroyed them. I recall no such meeting or conversation with Mr. Dean at a Department of Justice luncheon, and my records do not indicate any such luncheon meeting.

I shall now set forth for the committee my recollection of all conversations I have had with Messrs. Dean, Ehrlichman, and others about the June 28 meeting and its aftermath.

I believe that Mr. Dean called me at my home in Connecticut in late October or early November. As I recall it, he asked me on that occasion if I still had the two files he gave to me. I said I did and that they were in a safe place in my home at Stonington. I believe Mr. Dean asked if I had read them and I told him, truthfully, that I had not.

The sequence of the next discussions I had about these files is somewhat hazy in my mind. My best recollection now is that over a span of several days during my confirmation hearings in early March of this year I had discussions on the subject with Assistant Attorney General Petersen, John Dean, and John Ehrlichman, in that order. I believe that Mr. Petersen called me and told me that Dean had stepped out of an interview being conducted by assistant U.S. attorneys in Mr. Peter-

sen's presence to inform Mr. Petersen that he had turned two files from Hunt's safe, having nothing to do with Watergate, over to me. Mr. Petersen told me that he informed Dean to take it up with me and asked me if Dean had done so. I told Mr. Petersen, truthfully, that Dean had not. I certainly did not acknowledge to Mr. Petersen that Mr. Dean had turned over any such files to me but I do not recall Mr. Petersen asking me that question on this occasion.

I must acknowledge the possibility, however, that Mr. Petersen may have asked me if Dean had turned over such files to me. If he did ask, I am certain that I would have denied receipt of such files because of the instructions I received from Messrs. Ehrlichman and Dean on June 28, the information I had been given about their national security implications and the injunction that they "should never see the light of day."

I recall calling John Dean shortly thereafter and asking him whether he had told Henry Petersen about the two files. He told me that he had. I then asked him, in effect, if he told Mr. Petersen the whole story, namely, that the files were given to me in John Ehrlichman's presence with the assurance that they had nothing to do with Watergate, were sensitive and classified with national security overtones, should not be part of the FBI files, were political dynamite and clearly should not see the light of day. He said he had not told Mr. Petersen all of this. I told Mr. Dean that, if, as I had been assured, these files were of the character he described and had nothing to do with Watergate he ought not to be discussing them at all but that, if he did, he should at least tell Mr. Petersen the full story of their significance and the instructions to me.

Within a few days after this call, perhaps the next day, I called John Ehrlichman. This is the conversation which, unknown to me, John Ehrlichman tape-recorded. I believe this committee has a transcript of that tape. I believe this call to be a call reflected in my logs as made on March 6, 1973, at 6:34 p.m. I come to this conclusion in substantial part because at the outset of the conversation the transcript reports me as informing Ehrlichman that during my confirmation hearings "this morning," members of the Judiciary Committee received copies of a letter from the American Civil Liberties Union objecting to my offer that members of the Judiciary Committee could examine the entire FBI Watergate file. The transcript of my confirmation hearings reveals that such a letter was received by the committee on the morning of March 6.

The transcript of this conversation with Mr. Ehrlichman also reveals that I state to Mr. Ehrlichman that: "I am being pushed awfully hard in certain areas and I am not giving an inch and you know those areas." The assumption appears to have been made by Mr. Ehrlichman and by various members of this committee in their questioning of Mr. Ehrlichman that the "certain areas" in which I was being pushed was the receipt by the FBI of the contents of Hunt's safe. In fact the subject of the contents of Hunt's safe did not arise in my confirmation hearings until the next day, March 7.

I was being pushed, however, with respect to my turning over FBI reports to Mr. Dean and it was clear to me that my relationship with Mr. Dean was coming under increasing criticism by members of the Judiciary Committee. There is no doubt that I was concerned that the

committee would, as it subsequently did, inquire into the circumstances of the turnover to the FBI of the contents of Hunt's safe. Because of the instructions I had received from Messrs. Dean and Ehrlichman when the two files were given to me and my absolute conviction that these files, tinged with political and national security implications, had nothing whatsoever to do with Watergate, I had no intention of volunteering to the committee my receipt and destruction of these files and did not do so. I would not and did not make any false statements under oath but I acknowledge that I purposely did not volunteer this information to the committee.

I justified my reticence not only because I then believed in the rectitude of the administration whose nominee I was and in the integrity of the men who gave me the files and instructions, but because my brief look at the file of State Department cables had confirmed for me what I thought were overwhelming considerations of national security. I had no way of knowing then, of course, that the cables were fabricated nor, I might add, did I know then what I have since learned—that I was being left, in Mr. Ehrlichman's elegant phrase, to "hang there and twist slowly in the wind."

It was in this context, and knowing that Mr. Dean had already told Mr. Petersen about the files, that I had my conversation with Mr. Ehrlichman on March 6. There is no doubt that the message I intended to give to Mr. Ehrlichman was that he should tell Mr. Dean that he should not disclose the delivery to me of those two files.

At about 10:30 p.m. on the evening of April 15, 1973, I received a call from Mr. Ehrlichman. His remarks were very short, terse, and to the point. He simply told me that Dean had been talking to the prosecutors for some time and "we think you ought to know about it." It was obvious from his tone and the manner in which he spoke that no questions were invited and none were asked. I merely said thanks as he was hanging up the phone. I may have said, "Good evening, John" or "Hello, John" when I picked up the phone and it is my firm recollection that he started talking right away and made no response.

At shortly after 11 p.m. Ehrlichman called me again. This time his remarks were just as short, terse, and to the point. He said, "Dean has been talking about the files he gave you and you better check your hole card."

I said, "John, those papers were destroyed long ago."

Again it was plain and obvious from his tone and the manner in which he spoke that no questions were invited and none were asked.

Both of these calls were of extremely short duration, less than 15 seconds each. His manner was fast talking and he seemed tense.

I know that Mr. Ehrlichman has testified that in these conversations I told him I would deny receiving the files and asked him to support me in that denial. I have absolutely no recollection of such an exchange and believe that both conversations were substantially as I have described them. I realize that the conversations may have been recorded without my knowledge.

On Monday, April 16, 1973, at 10:54 a.m., Assistant Attorney General Petersen came to see me. He said that Mr. Dean told the prosecutors he had turned over two of Hunt's files to me. I denied that I had received them. Mr. Petersen went on to say that Mr. Dean had said these two files had nothing to do with Watergate. He also said that

Mr. Dean told the prosecutors that Mr. Ehrlichman had said to him, "Dean, you drive across the bridge each day, throw them in the river."

I was extremely troubled at my denial to Mr. Petersen. I slept little, if any, that night.

On Tuesday, April 17, 1973, at approximately 9 a.m., I placed a call to Mr. Petersen on my private line. He was not in and I left word. He called me back and, at my request, we met in my office later in the morning. I started our meeting by admitting that Dean had given me two white manila files in Ehrlichman's office. He asked if I had them and I told him I had burned them. He asked if I knew what was in them. I told him I had not read the files. He said, "The assistant U.S. attorneys will want you before the Federal grand jury."

On Wednesday, April 25, 1973, I telephoned Senator Weicker asking to meet with him. For a week I had thought about this matter and of Senator Weicker's staunch and valiant support of me and his warm friendship. I had a duty to tell him of these two files, yet my shame was so deep that it was hard to pick up the phone and call.

Senator Weicker and I met twice that day in my office and again the next day. I told him the manner in which I had received the files, that I had not read them, and that I had torn them in half and thrown them in my burn wastebaskets under my desk in my office on July 3, 1972, after returning from a visit to the San Diego and Phoenix field divisions. We discussed this subject at great length and he questioned me intensively on the entire matter. I persisted in my assertions to him that I had not read them, and that I had thrown them in my burn wastebaskets in my office on July 3, 1972.

I really cannot explain why I failed to tell Senator Weicker all the facts at this time and made the misstatements to him concerning the date I destroyed the files and my knowledge of what one of them contained. A sense of shame is all I can remember. I suppose I felt, in some irrational way, that I would look better in his eyes if I had destroyed them promptly and never looked at them. I have subsequently revealed all the facts of the matter to Senator Weicker, the staff of this committee, the prosecutors, and the grand jury.

At the time I accepted the two files from Dean and Ehrlichman, at the time I destroyed them, and on the several occasions, prior to my denial to Henry Petersen on April 16, in which I resisted disclosure of the fact that I had received and destroyed the documents, I believed that I was acting faithfully, loyally, properly, and legally pursuant to instructions given me by top assistants to the President of the United States. I have come to believe, however, what I should have realized then, that my acceptance of the documents in the first place, and my keeping them out of the normal FBI files, was a grievous misjudgment. My destroying them and resistance of disclosure only compounded the error. That the documents were not in fact Watergate evidence, while legally significant, does not lessen my present belief that I permitted myself to be used to perform a mere political chore. I shall carry the burden of that act with me always.

Mr. Chairman, that concludes my statement, sir.

Senator ERVIN. Mr. Gray, the committee got copies of your statement late and both counsels for the committee have not had an opportunity to study it, and it is almost 4 o'clock, after 5 days of hearings

here, and if you have no objection, the committee will postpone the interrogation until Monday.

Mr. GRAY. Mr. Chairman, I am at the command of the committee.

Senator ERVIN. The committee will stand in adjournment until 9:30 Monday morning.

[Whereupon, at 3:46 p.m., the committee was adjourned until Monday, August 6, 1973, at 9:30 a.m.]



MONDAY, AUGUST 6, 1973

U.S. SENATE,  
SELECT COMMITTEE ON  
PRESIDENTIAL CAMPAIGN ACTIVITIES,  
*Washington, D.C.*

The Select Committee met, pursuant to recess, at 9:45 a.m., in room 318, Russell Senate Office Building, Senator Sam J. Ervin, Jr. (chairman), presiding.

Present: Senators Ervin, Talmadge, Inouye, Montoya, Baker, Gurney, and Weicker.

Also present: Samuel Dash, chief counsel and staff director; Fred D. Thompson, minority counsel; Rufus L. Edmisten, deputy chief counsel; Arthur S. Miller, chief consultant; Jed Johnson, consultant; David M. Dorsen, James Hamilton, and Terry F. Lenzner, assistant chief counsels; R. Phillip Haire, Marc Lackritz, William T. Mayton, Ronald D. Rotunda, and Barry Schochet, assistant majority counsels; Eugene Boyce, hearings record counsel; Donald G. Sanders, deputy minority counsel; Howard S. Liebengood, H. William Shure, and Robert Silverstein, assistant minority counsels; Pauline O. Dement, research assistant; Eiler Ravnholt, office of Senator Inouye; Robert Baca, office of Senator Montoya; Ron McMahan, assistant to Senator Baker; A. Searle Field, assistant to Senator Weicker; Ray St. Armand, assistant publications clerk.

Senator ERVIN. The committee will come to order.

Counsel will examine the witness.

Mr. DASH. Mr. Chairman, Mr. Rufus Edmisten, deputy chief counsel, will question the witness. I would like to state, Mr. Chairman, with your permission, that before Mr. Edmisten begins, that as we approach the recess period, I would like to state that the hearings have had the untiring support of the entire staff, secretaries, assistant chief counsel, and all staff members around the clock, but the assistance given to the committee and the untiring assistance given by Rufus Edmisten, deputy chief counsel, has really assisted us in having the kind of successful hearings we have had. As chief counsel I want to make this public statement concerning the aid I have been given by Mr. Rufus Edmisten, deputy chief counsel.

Mr. EDMISTEN. In the words of Senator Ervin, I would like to thank Mr. Dash for his eloquent prevarication on my behalf.

Mr. Gray, for the record, would you state your name and address?

TESTIMONY OF LOUIS PATRICK GRAY III—Resumed

Mr. GRAY. Yes. It is Louis Patrick Gray III, Stonington, Conn.

Mr. EDMISTEN. Mr. Gray, I am going to ask you a few questions regarding your background and how you came into the Nixon administration. I believe you attended Rice University and graduated from the U.S. Naval Academy in 1940, is that correct?

Mr. GRAY. That is correct. I attended Rice—it was then Rice Institute—from 1932 to 1936 in Houston, Tex., and then entered the Naval Academy, graduated in 1940.

Mr. EDMISTEN. And then for a special program you entered George Washington University Law School and received your J.D. degree in 1949.

Mr. GRAY. Yes. I was selected to attend law school under the Navy's postgraduate law program.

Mr. EDMISTEN. Your entire career was spent as a naval officer until your retirement in 1960, I believe.

Mr. GRAY. That is correct, sir. I served on battleships for 1½ years and then in submarines for the balance of my career.

Mr. EDMISTEN. Then you engaged in the practice of law and in certain business endeavors in Connecticut from 1961 to 1969, and then you came on board as the executive assistant to Mr. Robert Finch, I believe, at HEW.

Mr. GRAY. Yes, sir. That is correct.

Mr. EDMISTEN. What did you do down there?

Mr. GRAY. As Mr. Finch's executive assistant, I helped him in the transition as the Nixon administration came in and I guess you would say I was his man Friday. I worked from 6:30 in the morning to 9 or 10 o'clock in the evening and worked at standup desks there in my office and handled primarily all of the paperwork and all of the dealings with the assistant secretaries and with the other personal staff members of the Secretary, and in general the operation of the Office of the Secretary was pretty much in my hands subject to the Secretary's desires.

Mr. EDMISTEN. Mr. Gray, when did you first become acquainted with President Nixon?

Mr. GRAY. My recollection is that it goes back to when I was a freshman in law school and the President was a freshman Congressman and it was at a party out at the Chevy Chase Club to which I had been invited by the doctor who had really saved my life during the war.

Mr. EDMISTEN. Now, I understand that you served on Mr. Nixon's personal staff from the date of your retirement from the Navy on June 30, 1960, until the election in 1960 and then you served again on his campaign staff in 1968.

Would you say from those two experiences that you have a close personal relationship with the President? What is your relationship with the President?

Mr. GRAY. Mr. Edmisten, I served from June 30 when I retired from the Navy and went over to room 361, Senate Office Building, until shortly after January 1961. I served primarily as what I would call a logistician. My first job, for example, was working with analysts with regard to handling of the mail. During that campaign I had a lot to do with obtaining space. I put together an organization known as Retired Armed Services Men for Nixon. I put together a group of lawyers and got a volunteer organization set up in the Solar Building basement here in Washington to answer mail. It was that type of thing. But, Mr. Edmisten, I did not serve in the campaign of 1968. The only thing I did in the campaign of 1968 was prepare a letter for the President's signature going to the National Association of Small Business Investment Companies regarding the President's position with reference to

NASBIC. But I was not active in the campaign of 1968 at all other than doing that paper at the request, as I remember, of Dr. Glenn Olds.

Mr. EDMISTEN. You would say, then, that you have not been a close personal friend of Presidents but a casual acquaintance over the years.

Mr. GRAY. Our relationship has been more professional than personal and I don't think the President would consider it personal and it would be presumptuous of me to say that. A lot of people like to bask in the glory of the President and maybe I am human enough to want to do it, too, but the facts are, as he would probably say himself, that our relationship is professional, that of a centurion to the Senate. It was that kind of thing.

Mr. EDMISTEN. After you served with Mr. Finch at HEW and went back to law practice again and then I noticed in your biographical sketch that you were a special consultant to the President's Cabinet Committee on Education. What was that?

Mr. GRAY. Yes, sir. I was asked to come back and work with the Cabinet Committee on Education because apparently there was some intelligence in making the transition from the unitary—the segregated school system to the desegregated school system in some southern States was going to be difficult and the President's Cabinet Committee on Education wanted citizens State advisory committees set up and I was asked to go into Mississippi first and then into Georgia and work with leading citizens of those two States, black and white, who were not really actively engaged in politics. This was to be a citizen effort and I went into Mississippi for 6 weeks and then I went over into Georgia and I set up both of those two State advisory committees and then other people picked up the work thereafter based on the work that had been done in those two States.

Mr. EDMISTEN. Now, Mr. Gray, I will just briefly state and you can agree or disagree, that in 1970 you were nominated to be Assistant Attorney General, Civil Division, and you were confirmed by the Senate. Then in February 1972 you were nominated to be Deputy Attorney General and I notice from the record that you never became Deputy Attorney General. What happened?

Mr. GRAY. I was Deputy Attorney General-designate and we had—Mr. Kleindienst and I had appeared before the Committee on the Judiciary and as I—I think that my name was reported out by the Committee on the Judiciary but a newspaper article, a columnist, Mr. Anderson's column, as I recall, came out and Mr. Kleindienst asked that his hearings be reopened. That column had to do with certain charges made in connection with the ITT settlement.

Mr. EDMISTEN. Did I interrupt you? Sorry.

Mr. GRAY. No. I just wanted to say that that reopening of Mr. Kleindienst's hearings stopped any further action with regard to my nomination. I continued as Assistant Attorney General, Civil Division, and Deputy Attorney General-designate.

Mr. EDMISTEN. Is it fair to say, with the exception of a couple of interim years of private practice of law, that you spent your entire adult life devoted to Government service of one kind or another?

Mr. GRAY. Yes. That could be correct except for those years you have already enumerated, Mr. Edmisten.

Mr. EDMISTEN. I noticed in your prepared statement that you devoted a substantial part of it to your recollections and those of General Walters regarding conversations he had with you, with others

and with the President. I do not intend to question you in that area. I will leave it to minority counsel and to the members of the committee. But I have some questions and I don't want you to infer in any way that I am attempting to browbeat you or be discourteous but I think they are questions that have to be asked regarding other phases that were not mentioned very substantially in your statement.

In your statement you say that when the Watergate break-in occurred on the 17th that you were in California and you returned to Washington and you state that on June 21 you received a telephone call from Mr. John Ehrlichman at the White House and he informed you that John Dean would be handling the White House investigation of the Watergate affair. I think he also told you that John Dean would be the only one handling the investigation.

Now, at this point how well did you know John Ehrlichman, and how well do you know him now?

Mr. GRAY. I think that during the campaign of 1960, if I remember correctly, Mr. Haldeman was the chief advance man and Mr. Ehrlichman was an advance man then in that campaign and I knew them only in that capacity. I had no personal relationship or no close contact with them at all, and coming back into Government in the Nixon administration as executive assistant to Secretary Finch, my relations with both Mr. Haldeman and Mr. Ehrlichman were professional, on the telephone, that sort of thing.

It is not a social relationship, never has been, I have never been in Mr. Ehrlichman's home and he has never been in my home. Ours has been purely a working professional relationship in the respective position in which we have found ourselves.

Mr. EDMISTEN. How well did you know John Dean?

Mr. GRAY. I met Mr. Dean for the first time at the time of the 1971 demonstrations when he was at a meeting in the Attorney General's conference room and I asked some people later on who that particular individual was and I was told who he was. That is when I first met Mr. Dean; first knew who Mr. Dean was.

Mr. EDMISTEN. Did you meet with Mr. John Dean in an area around your apartment on one of the first two Sundays in July? I think maybe in one of your interviews you thought it was the first Sunday. Did you have that meeting?

Mr. GRAY. Yes, sir; after some 3 months of reconstruction and working over notes, memorandums, records, logs, and talking with my wife, regarding this entire matter, I did have a meeting with Mr. Dean on either Sunday, June 25, or Sunday, July 2.

Mr. EDMISTEN. What were the circumstances that Mr. Dean would be at your apartment?

Mr. GRAY. Mr. Dean called me, as I recollect, called me on the telephone on a Sunday morning and said that he wanted to meet with me and wanted to talk with me and I said "Well, fine, we can meet in my office in the Department," and he stated that this would not be practical because of the fact that there are not too many people present at the Department on Sunday and that it would be easily noticed that he would be coming into the Department of Justice and there would be another leak and I suggested, "All right, we can meet over here, my apartment is very small, we cannot meet in the apartment but we can meet over here," and we agreed to meet over at the apartment and I met him outside the apartment and we walked around the apartment

building and sat down and chatted on a bench overlooking the channel there. This is in Southwest Washington in Harbour Square apartments.

Mr. EDMISTEN. So, Mr. Dean at that time was saying that there possibly would be improper inferences drawn or improper appearance if he would go directly to your office or you were to go directly to his office?

Mr. GRAY. No; I did not take him to be saying that, I took him to be saying there would have been another leak, Dean would have been seen entering the Department of Justice but I did not really in fairness and in honesty, take him to be saying this was an improper thing to be doing.

Mr. EDMISTEN. At this meeting with Mr. Dean did he discuss with you his desire that you turn over any FBI documents relating to the Watergate investigation to him?

Mr. GRAY. I cannot be absolutely certain. I know that one of the first remarks he made was that this was a heck of a note when the Acting Director of the FBI and the counsel to the President have to meet on a park bench in order to avoid leaks. We could have discussed on that particular Sunday afternoon the various theories of the case that the FBI had had and had been considering and that he and I had already discussed. We could have discussed the leaks that were rampant in that first 2-week period and it is entirely possible that he could have raised with me the question of making available to him the FBI materials available to me for his use in the conduct of his inquiry. I cannot state it with that kind of certainty but I can say that it is entirely possible. My recollection is and my remembrance is as that subject was raised in a telephone call with Mr. Dean following that Sunday meeting.

Mr. EDMISTEN. So that the first occasion you turned over any kind of FBI documents to Mr. Dean was when?

Mr. GRAY. To the best of my recollection, following this meeting on the bench there at the Harbour Square apartments, a phone call ensued during the week and it was in that phone call that Mr. Dean raised the question of making available to him the materials, FBI file materials that were available to me.

Mr. EDMISTEN. Was that around July 9 or something like that?

Mr. GRAY. I would say that I believe it to be in the week of July 9.

Mr. EDMISTEN. Now, the first thing then, that you turned over to Mr. Dean were FBI teletypes, is that true?

Mr. GRAY. That is correct. He asked me if I would make available to him FBI file materials that I had available to me.

Mr. EDMISTEN. What are teletypes?

Mr. GRAY. The teletypes are the orders and instructions that are issued to the field by the FBI headquarters, by me, the Acting Director, and they can be reports of summaries of investigations conducted in the field, they are brief summaries, three or four lines on each facet, they can be any number of other things, they could consist of deeds, sent out for interviews, that type of material.

Mr. EDMISTEN. Can they be fairly described as raw FBI materials?

Mr. GRAY. I have never really understood what "raw FBI materials" are, Mr. Edmisten, and I think lots of confusion has been generated about that. When the FBI sets up a file and starts a file we begin with the first serial in the file, then everything goes in it. There

could be evaluations in there, there could be teletypes of the kind that I am talking about, there could be reports of interviews, FT-302s, there could be anonymous letters that are unevaluated, that type of thing. This was material that eventually found its way into the FBI Watergate investigative file.

Mr. EDMISTEN. Now let's go chronologically. Do I understand on July 17 Mr. Dean requested that you give him a summary of the various events that had transpired in connection with the investigation? Did you accommodate his request?

Mr. GRAY. Yes, sir; he asked me if I could prepare, cause to be prepared a summary of the status of the investigation to date and I discussed with him the format and told him I thought that should be in the form of a letterhead memorandum which was the type of format that we used in preparing such summaries and I told him that I thought that this should be addressed to the Attorney General, as was the case in such a format.

Then I know I had a telephone conversation with Mr. Felt concerning that and this was a type of thing that was regularly done in accordance with the FBI standard operating procedure, in fact it had been proposed as of June 19 and I stopped it at that time. I got the opinion from our Office of Legal Counsel and I think my instructions to Mr. Felt were, as I remember it, just to have the Assistant Director in charge of the Office of Legal Counsel prepare an opinion having to do with this subject matter and such an opinion was indeed prepared. However, at the time I had the telephone conversation with Mr. Felt I told him that I thought this was proper and I would do it even if Senator McGovern were President.

Those are my exact words to Mr. Felt. I felt it was proper but what I was trying to do with the memorandum was try to set up some standards and procedures for the deliveries of FBI material through the Cabinet officer, through the political officer.

Mr. EDMISTEN. I am going to question you about that memorandum in a moment, but going back to the teletypes, what were the circumstances surrounding the turning over of the teletypes? Did he come to you, did you go to him, or what?

Mr. GRAY. In that telephone conversation I asked him if he had the proper safeguards for this material, could he keep it in safety in his office. I don't know whether I mentioned a four-drawer tumbler lock safe, the appropriate type of safeguard, but I was interested in whether or not he could safeguard it, and he assured me that he could and he did have the facilities to do it, then he said he wanted to send Mr. Fielding over to pick them up.

I said, no, that you would have to come over and pick them up yourself and I recollect that he asked me if he could come over and read them in the office and I said, "No, that would be impractical because there are too many people in and out of my office all day long, a constant stream of people and constant stream of phone calls and constant stream of mail," and I turned that down and he did come over and he did receive them from me in a brown Government-issued type briefcase, the kind that I have with me today, behind me.

Mr. EDMISTEN. All right.

Mr. GRAY. I delivered them to him personally.

Mr. EDMISTEN. We have heard a lot of talk about FBI 302 forms. Just what is an FBI 302?

Mr. GRAY. FBI 302, Mr. Edmisten, is a report of interview. It is not an investigative report. It is a part of an investigative report and it is merely the agent's recounting of the interview that he had with the individual being interviewed.

Mr. EDMISTEN. Now, is it true that on July 26, 1972, in response to, I would charge it as a demand, you can tell me if it wasn't, a demand from Mr. Dean that you gave him several FBI 302s?

Mr. GRAY. It is my best recollection, Mr. Edmisten, it was in that time, that week, the 26th, 27th, 28th, that Mr. Dean called and requested that I make available to him the interview reports that I had available and I did, and I believe my best recollection is that those were picked up once again by him on July 28. Those were two groups of interview reports, FBI form 302s that I had. A group delivered to me—I think the first group was delivered to me on June 30, the second group delivered to me on July 17—

Mr. EDMISTEN. Now, you told Mr. Dean that he could have what had been given to you, of course, there were thousands of volumes of other materials that didn't come directly to you that, of course, Mr. Dean didn't get.

Mr. GRAY. That is correct. That is correct.

Mr. EDMISTEN. When you were Acting Director, I think you mentioned a moment ago, Mr. Felt. Who was he?

Mr. GRAY. W. Mark Felt was my Acting Associate Director in the Federal Bureau of Investigation when I served as Acting Director.

Mr. EDMISTEN. Who was Mr. Dalbey?

Mr. GRAY. Mr. Dalbey was the Assistant Director in charge of the Office of Legal Counsel and very wise counsel.

Mr. EDMISTEN. I have a memorandum here that you referred to a moment ago which is dated July 20, 1972, to Mr. Felt from Mr. D. J. Dalbey and the subject is dissemination of information, the White House, criminal cases.

Now, I would appreciate it if you could identify this memorandum. It is No. 63 in your files—if we could have one taken down, please—if you could identify that and if you would look at the bottom page of it and the supplemental memorandum that goes with it and tell me if those are your notations on the bottom of the back page of each memorandum?

Mr. GRAY. Mr. Edmisten, I do not have that supplemental memorandum.

Mr. EDMISTEN. It is 65 in your file.

Mr. GRAY. Yes. I recognize both of these and these are exhibits 63 and exhibit—exhibits 63 and 65 of the more than 200 exhibits that we have submitted to the committee, right.

Mr. EDMISTEN. What is the notation on the back page of the primary memorandum? It is in your handwriting, you said?

Mr. GRAY. The last sentence in the memorandum is: "The authority and the obligation of the FBI is to keep the Attorney General fully informed and to leave the rest to him," and I underlined that and drew a line from it and stated, "Do so in this particular case and in all future cases," and signed it G, III, 7:20, 8:57 p.m.

Mr. EDMISTEN. Mr. Chairman, I would like to request that these two memorandums be properly identified and inserted in the record.

Senator ERVIN. Without objection, they will be marked appropriately as exhibits and admitted as such.

[The documents referred to were marked exhibits Nos. 139\* and 140.\*\*]

Mr. EDMISTEN. I know you mentioned this memorandum a moment ago but I want to read certain portions of it and—first of all, you had this memorandum written, did you not, Mr. Gray?

Mr. GRAY. Yes. I asked that this memorandum be prepared.

Mr. EDMISTEN. And your desire to be informed “on the legal basis for dissemination by the FBI to the White House of information concerning a criminal case being investigated, more specifically a case being investigated as a criminal case for prosecution, involving violation of title 18, United States Code, and which does or may implicate Federal employees or subjects”—now, we are talking about the Watergate case, are we not?

Mr. GRAY. That is correct, and I do not think there was any doubt in anybody's mind that that is what we were talking about.

Mr. EDMISTEN. Now, you asked for this memorandum, did you not, in response to Mr. Dean's demands for your FBI materials? He wanted to know what to do about it.

Mr. GRAY. I asked for it in connection with the preparation of the letterhead memorandum summarizing the investigation which was the request made by Mr. Dean.

Mr. EDMISTEN. Then the memorandum went on to further state that “any information provided to the White House by the FBI should be channeled through the Attorney General” and it is stated “the requirements are that we follow the chain of command and not bypass any link in it. This means that we advise the White House, if at all, through the Attorney General and not around him,” and then the supplemental to that memorandum, Mr. Gray, listed certain exceptions where the White House can be informed of FBI materials directly if they have to do with domestic or foreign intelligence.

Now, the back page of that supplemental memorandum also reads:

... matters which the President necessarily acts more directly on his own initiative than is the case with the criminal law. Thus, there seems quite a reasonable distinction between a constant flow of advice to the White House on matters of criminal law on the one hand and on matters of domestic and foreign intelligence on the other.

Now, Mr. Gray, I know we might have some interpretations that are different on a legal memorandum of this nature but did not that memorandum really say that, “Look, we in the FBI are not supposed to turn over to the White House unless we did it through channels” because you did that when you sent your memorandum to Mr. Dean through the Attorney General on the 21st, I believe, and then is it not true, Mr. Gray, that you turned right around after you procured this memorandum and turned over a whole batch of 302's to Mr. Dean?

Mr. GRAY. I think, Mr. Edmisten, before I answer that question I should refer just a little bit to the policy within the Department and within the Federal Bureau of Investigation and what Mr. Hoover's practice had been to send over anything that the Director desired to send over.

\*See p. 3843.

\*\*See p. 3846.



My objective here in asking for this opinion was limited solely to a letterhead memorandum which we had to initiate. We had to take material already resting within our files, pull it all together, distill it, and put it together in a form of a letterhead memorandum summarizing the status of the case, and I think that you also find the language in our exhibit 63 here that we are referring to in which it says:

We did not consider the matter of disseminating such information to the White House on specific White House request.

And in this later situation we assume since the President is the top boss of the executive branch, he can obtain from that branch any information he wishes. This is a different matter legally and otherwise from the one in which we would on our own decision initiate dissemination of the information.

So we were dealing, I think, Mr. Edmisten, with a different type of situation. At least I, at that time, envisioned that in that manner and what I was trying to do, my objective was to begin to set up formalized standard procedures within the Federal Bureau of Investigation for the dissemination of information but there is no doubt in my mind that when the counsel to the President of the United States asked for information I was going to give it to him and I did, sir.

Mr. EDMISTEN. Well, you sent the memorandum through channels, through the Attorney General.

Mr. GRAY. Yes, sir.

Mr. EDMISTEN. And then I mentioned that you sent the 302's directly to Mr. Dean.

Now, we might be using Senator Ervin's lightning bug concept of hindsight right now but do you not know that 302's are more important than any memorandum because they contain the raw data that FBI agents collect from all over the country, innuendo. When Mr. Kleindienst came I remember first to this committee, to Senator Ervin and Senator Baker and Mr. Dash and Mr. Thompson and I were in the room and Mr. Kleindienst said very specifically to Senator Ervin and Senator Baker, "I will not have raw FBI data spread around indiscriminately," and so it has been the position of the President and Attorney General Kleindienst that the raw data is by far the most important. So I am saying you sent the memorandum through channels and then, Mr. Gray, in spite of Mr. Dean being counsel to the President, you gave him the 302's.

Mr. GRAY. Yes, sir; and you must make a distinction again I think between raw data and what I sent to him. There was no raw data in these teletypes. This was not unevaluated information. This was not anonymous letters and that type of thing and, as a matter of fact, Mr. Edmisten, when we were considering what type of material to be sent to the Ervin Select Subcommittee, my position was at the inception and was throughout to send everything that we had because there wasn't anything in there of the type of material that is so often referred to as raw data, this anonymous stuff, this innuendo, and this sort of thing. That type of material was not in the FBI investigative file of the Watergate investigation and I think you can look at it today and go right down through it.

Mr. EDMISTEN. Well, 302 is not evaluated either.

Mr. GRAY. No.

Mr. EDMISTEN. It is only an agent's written remembrance from what he elicited from some witness.

Mr. GRAY. That is correct. That is correct. It is merely what he remembers of his interview with the person interviewed.

Mr. EDMISTEN. Did you consult with Mr. Petersen and Mr. Kleindienst about the advisability of giving the FBI data to Mr. Dean?

Mr. GRAY. No, sir; I did not.

Mr. EDMISTEN. Why did you not?

Mr. GRAY. I didn't do it because I thought I was the Acting Director of the Federal Bureau of Investigation and when I have a request from the counsel to the President of the United States I don't have to go run around to the Attorney General and to the Assistant Attorney General in charge of the Criminal Division and ask them to hold my hand and help me respond in making a decision. I did not do that and I would not do that.

Mr. EDMISTEN. I don't mean to quibble with you but you had 26 years of military experience and you know things about the chain of command. You didn't work for Mr. Dean, did you? Your direct supervisor and your boss, so to speak, was Mr. Kleindienst, wasn't it?

Mr. GRAY. That is correct. And also the President of the United States is my boss and when the counsel to the President levies a request upon me, I am going to comply with that request and I did comply with it.

Mr. EDMISTEN. Well, if every person in departments and agencies were to follow that rule, then I can see having to call off the Federal Government—various counsels to the President were called up by the Government agencies and countermand, in other words, step into the internal operation of every agency.

Mr. GRAY. I don't think that that would occur. I think the FBI occupies a peculiar position with reference to the President of the United States and that the President of the United States looks to the Federal Bureau of Investigation in a little different manner than he does the other departments of Government.

Mr. EDMISTEN. You did understand, Mr. Gray, that Dean was speaking for the President of the United States. He said that to you, I believe.

Mr. GRAY. No question about it. I asked him specifically on two occasions and maybe even three occasions. I can't be certain of the third occasion so I can't testify to it under oath but I specifically asked, "John, are you reporting directly to the President or through Mr. Haldeman and Mr. Ehrlichman?" and he told me, "Directly to the President."

Mr. EDMISTEN. I know Mr. Ehrlichman called you up on that first day and said, "Mr. Dean will be handling the investigation," but after that time did you ever again ask Mr. Ehrlichman or Mr. Haldeman "Is John Dean able to speak for the President?" Did you ever do that?

Mr. GRAY. No. The thought never entered my mind to do that. And I didn't—you know, I didn't talk with Mr. Haldeman at all during this investigation.

I did talk with Mr. Ehrlichman but the thought certainly never crossed my mind to ask him again, you know, for reassurance. I asked John Dean and I believed John Dean.

Mr. EDMISTEN. I am going to move on to that date which has had a great effect on your life, I am sure, June 28, 1972, when you met with

Mr. Ehrlichman early that morning and you told him that you would like to see him that afternoon and you finally did go to the White House and you met in Mr. Ehrlichman's office with Mr. Dean.

Why did you want to see Mr. Ehrlichman that day?

Mr. GRAY. On June 28, that was the day of the telephone call from Mr. Ehrlichman in which I believe that either we set up the appointment to meet that evening with regard to the heat that I was taking concerning the leaks that were alleged to be coming from the FBI or that was an appointment set up by his secretary dealing indirectly with my secretary but it was in a telephone call, Mr. Edmisten, at 11:17 a.m. that morning. That was the call in which he counseled my meeting with Director Helms and Deputy Director Walters of the CIA.

Mr. EDMISTEN. In your statement you made reference to the fact that when you arrived at the White House and you walked into Mr. Ehrlichman's office, you were very surprised to see Mr. Dean. That surprises me that you were surprised. You had spoken with him I think 16 times since the 21st and you had met with him at least once. Why were you surprised to see John Dean in the meeting in Mr. Ehrlichman's office?

Mr. GRAY. Because I had been let to believe—it was my understanding that I was going to meet with Mr. Ehrlichman. I was not told that anyone else was going to be there.

Mr. EDMISTEN. As I mentioned a moment ago, in this meeting the events transpired which had an unprecedented impact on your life, and I certainly don't intend, Mr. Gray, to attempt in any way to browbeat you or to ask any condescending questions but there are some questions you know that should be asked.

That was the day that Mr. Ehrlichman and Mr. Dean handed over to you the contents of the Hunt safe which had not been turned over to the FBI.

Can you reconstruct that meeting a little better than you did in your answer? Were Mr. Dean and Mr. Ehrlichman acting strangely?

Mr. GRAY. I didn't think that they were acting strangely at all; no, I didn't notice anything strange about the meeting. I was surprised to see John Dean there and Mr. Ehrlichman's first remarks to me were as I remember, as closely as I can remember it, "John Dean has something to turn over to you."

Mr. EDMISTEN. I notice in your statement, there was no indication that you at any time made any resistance to taking any files.

Mr. GRAY. I asked the question whether or not these files should become a part of the FBI files and I was told no, but if you are asking me did I resist and did I say no, I don't want these files or you keep them yourself; no, I did not.

Mr. EDMISTEN. Now Mr. Dean said that the files had national security implications, they were political dynamite, they were absolutely not connected with the Watergate, and I know you have asked yourself this question probably dozens of times, why didn't you tell Mr. Dean and Mr. Ehrlichman to take their own files and destroy them?

Mr. GRAY. I don't think that the thought ever entered my mind to do that. These men were telling me that these are sensitive, they were classified, they had national security implications with political overtones, had absolutely nothing to do with Watergate. As I recall it was either Mr. Ehrlichman or Mr. Dean who said they should not be

allowed to muddy the issues in the Watergate case, and then it was in conclusion that Mr. Dean emphasized the national security implications and the fact that they were political dynamite and clearly should not see the light of day. I was receiving orders from the counsel to the President and one of two top assistants to the President and I was not about to question those.

Mr. EDMISTEN. You had been in frequent contact with Mr. Walters and Mr. Helms, did it occur to you in that meeting, since the papers were not related to Watergate, you might suggest to Mr. Ehrlichman and Mr. Dean they turn them over to Mr. Helms or Mr. Walters?

Mr. GRAY. No, sir, I didn't think that.

Mr. EDMISTEN. Did you ever think that after you took the files out yourself, might these not involve Watergate, why shouldn't I turn them over to Mr. Walters, I have had a great relationship with him.

Mr. GRAY. I didn't know whether they involved CIA, didn't know what they involved in that point of time. In point of fact going back to that period, those files were not of that moment to me because of assurances that I had received that they had absolutely nothing to do with Watergate and were not connected with Watergate in any way.

Mr. EDMISTEN. You held those files for approximately 6 months, and I am not going to ask questions about the different versions of where you got them or whether you looked at them or didn't, but your final testimony is that you took them to Connecticut and you burned them with the Christmas trash. I just want to know what kind of state of mind were you in to hold those so-called explosive files for that amount of time and never look at them.

Mr. GRAY. I didn't believe they were explosive files in the first place. I was told they had absolutely nothing to do with Watergate and had no connection with Watergate and on the basis of all my background, training, and experience, I had no need to know and I wasn't concerned about looking. I didn't have the natural curiosity of the cat or of the female. In hindsight, granted, God knows, I should have looked at those files, I should have looked at them that evening in the office and said if I had looked at them that evening in the office I would have said give these to the State Department.

When I did look at them just before burning them I saw they were State Department cables, what I believed to be bona fide State Department cables, but they weren't of that moment to me so that the burning was on my mind every single day.

Mr. EDMISTEN. When you had that little brief glimpse of these cables at that time with your Christmas burning trash, you saw that they involved the State Department. Did it occur to you at that moment, I can give these to the State Department now, I know they are not in my bailiwick and I haven't been the recipient of withholding something from my own Agency?

Why didn't you give them to the State Department at that time?

Mr. GRAY. No, I didn't think in those terms at all and I must honestly say that to you, I wish I had, I wish I had brought them back, I wished a hundred thousand times I had been a blackmailer or a leverage man or an edgeman to hold those things, you know, and have them and be able to produce them in front of this committee today, but the facts are otherwise. I carried out my orders and I destroyed them, in fact I was ashamed of what I read in that dispatch to believe that my Govern-

ment would be involved in that kind of an effort to assassinate the President of another nation.

Mr. EDMISTEN. Who, in your mind, when you were burning the papers, did you think wanted them burned, the President, John Ehrlichman, John Dean, somebody else?

Mr. GRAY. I really can't be sure of that. I felt that I was taking orders from the counsel to the President and the assistant to the President but I have got to say in all honesty and fairness and decency if I had looked at those files that evening and saw what they were and said to those two men I want a written order from the President before I am going to take these files, I don't think I would have gotten that order.

Mr. EDMISTEN. I am going to ask just a couple of questions about the scope of your investigation, not in any way to impugn any individual FBI agent, not to impugn you, or not to investigate the investigators. Now in a recent article published in the August 1973 Armed Forces Journal, Mr. McCord set forth some gaps in the FBI investigation which he considered to be fundamental.

Now, some of those questions raised by Mr. McCord and bear repeating here to see if you can shed some light on it.

First of all, he suggested that it was absurd for the FBI not to have interviewed every employee of the Committee To Re-Elect the President.

What about that, Mr. Gray?

Mr. GRAY. Suffice it to say that the professionals within the FBI felt that the leads ran to 60 employees of the Committee To Re-Elect the President and we had no additional leads to interview any other people and I would like to say as a general comment, if I may, that the professionals in charge of this investigation have stated categorically that they were never restricted, limited, or refused in any way with regard to running out any leads that they wished to run out, with the exception of the delay in the Central Intelligence Agency interviews of Senor Manuel Ogarrio and Mr. Dahlberg which I previously related in my statement.

Mr. EDMISTEN. I am going to leave other details until later, but Mr. McCord cited in the article a situation involving him personally. He says in the article that if he had been interviewed by a friendly FBI agent, one in whom he had trust, that he would have confessed but "there is evidence that senior supervisory personnel of the FBI tried to get approval to get to me seeking a confession in July 1972 but were turned down at the highest levels." What is to that?

Mr. GRAY. I do not know what Mr. McCord is referring to at the highest levels and I can only speculate as to what he may be referring to and I can tell you and it is among the exhibits which I have already turned over to the committee, I believe it was on June 28 that the meeting that I had at 2:30 in the afternoon with Mr. Felt and Mr. Bates when Mr. Bates mentioned the fact that there was a special agent of the FBI who knew the McCords well, that this special agent was not stationed here in the Washington field division but was in another field division, and the suggestion was made that perhaps this agent could go to Mrs. McCord and determine whether or not Mr. McCord was willing to talk with us.

I might digress for a moment and say at the inception my agents tried rigorously to interview the suspect and all of them refused to be interviewed and Mr. McCord was no exception; he refused to be interviewed, and this agent was Special Agent Dennis Mahan, who had talked to Senor Martinez and we caught an awful lot of heat in the newspapers because of the fact that Senor Martinez was represented by an attorney at that time. But nevertheless, the suggestion was made to me that this agent be permitted to talk with Mrs. McCord and seek to prevail upon her to determine whether or not Mr. McCord would be willing to talk with us.

I gave instructions to contact this agent, Special Agent Guthrie of the Birmingham Field Division of the Federal Bureau of Investigation, and determine whether or not he knew the McCords, how well he knew the McCords, whether or not he would be willing to contact Mrs. McCord, as was suggested that he do, and he was contacted by Mr. Bates and he did say that he knew the McCords well and he did say that he would be willing to do anything that would assist the FBI or the McCords. That report was made to me by Mr. Bates and I gave it some very, very serious consideration. I knew that Mr. McCord was represented by an attorney, I knew if he wanted to talk to us he could have made the offer himself, in some way could have made it known himself in some way that he wished to talk with us. I considered that case law on the point and I finally decided that on the basis of ethics and what had happened to us before with regard to Special Agent Mahan's honest efforts to talk with Senor Martinez, that ethics and case law prohibited me permitting that to go forward, and I may be the man that Mr. McCord is referring to at the highest levels who turned that down, but the fact of the matter is that I turned it down at the time when I was reviewing all of my notes here. Recently, I said if I had permitted that to go forward perhaps ethics would not be a consideration today, perhaps we would have broken the case, but I felt at the time that ethics and case law were against me and I cannot go around behind that attorney's back.

Mr. SACHS. May I be permitted a brief legal point in connection with Mr. Gray's latest answer?

Senator ERVIN. Yes.

Mr. SACHS. Thank you, Mr. Chairman.

I simply want to bring to the attention of the committee the fact that it is at least my interpretation of the Supreme Court's mandate in *Miranda v. Arizona*, 384 U.S. reports 436, that when a man refuses to be interviewed, it is the obligation of the investigators—a man in custody refuses to be interviewed—it is the obligation of the investigators to cease the interview. In the case of *Massiah v. U.S.*, 377 U.S. 201, really elaborates the point and make especially clear where a man is represented by an attorney, an attempt by the Government to circumvent that relationship and to interview him, notwithstanding without the attorney's knowledge, is also of serious question constitutionally, and so I bring those two cases, Mr. Chairman, to the attention of the committee because I think they support the judgment that Mr. Gray made as well as canon 7 of the Canons of Ethics which I think is further support for that.

Senator ERVIN. I recognize that; at the same time, I think it is worthy of observation that there was nothing to prevent the procuring of search warrants and searching the premises of any of the accused.

Mr. SACHS. Nothing with the possible exception of probable cause.

Mr. EDMISTEN. Well, Mr. McCord certainly goes on to say—

Senator ERVIN. I cannot see a lack of probable cause where a man is caught in an act of burglary.

Mr. GRAY. May I address myself to that, Mr. Chairman? We did get a considerable number of warrants for Mr. McCord with regard to his bank accounts, McCord Associates, and all that, and quite frankly and honestly, I do not know whether we ever asked the assistant U.S. attorney for a search warrant for his home.

I believe that the Watergate investigative file would show that we, after Mr. Baldwin's testimony of July 10 to us, that we did at some time then go out there, but I cannot testify as to the fact on that because I simply do not know whether or not the agents requested a search warrant of the assistant U.S. attorney. They did not make such a request to me, I can testify to that as a fact.

Mr. EDMISTEN. You know nothing of Mr. McCord's assertion when senior personnel of the FBI sought search warrants they were turned down and before that he had talked about \$18,000 in his house, lots of electronic equipment in his care, all of this paraphernalia which would have been leads toward the investigative end. You know nothing about search warrants being turned down?

Mr. GRAY. I turned down none, none were presented to me, I heard no discussion about it because, as I have said, we subpoenaed the records of McCord and Associates, we subpoenaed the bank accounts of McCord and Associates, we subpoenaed Mr. McCord's bank account, personal bank account, we subpoenaed his other bank account that he had, I think it was Dedicated Friends of America, but specifically, no request was made directly to me and, as a matter of fact, search warrant requests did not come to the acting director, by the same token, leads did not come to the acting director. These were generated at the case agent level working directly with the assistant U.S. attorney. There were very few requests to interview that came to me or to get warrants that came to me. I know of no request for warrants that came to me.

Mr. EDMISTEN. I obviously could list a number of other things but I believe that we can wait for that later. I want to ask you a couple of ending questions about your confirmation hearings. Who initially suggested, Mr. Gray, that you be nominated as FBI Director?

Mr. GRAY. I think initially this probably came up in the summer of 1971. I can remember I was the assistant Attorney General, Civil Division, then and was busily engaged in the various litigations that were going on in connection with the injunctions involving demonstrations, Vietnam veterans, and that sort of thing, and the use of Lafayette Park and so on, and I can remember one meeting with former Attorney General Mitchell in his office when I was reporting to him on this litigation and he said to me, he said, "I don't want to add to your troubles but how would you like to be considered for the position of FBI Director?" And I said, "General, I will serve in any position and in any capacity that the President wishes me to serve." That was the end of that. I heard no more about it. And it was not until the morning of the day after Mr. Hoover's death, and I believe that morning was May 3, that, and I can't recall all of the people who were sitting around in the Attorney General's office, but one of them made the suggestion, after we had considered who should be named acting director, that why not consider Pat Gray, and it was later that afternoon that, well, earlier than that, about noon the Attorney General telephoned me from his car and told me to meet him in his office that

afternoon about 2:15 or 2:20, and I met him and I went up, walked right in and he said, "I am going to name you Acting Director of the Federal Bureau of Investigation."

Mr. EDMISTEN. During your confirmation hearings there was quite a bit of controversy about your perhaps involvement in the ITT matter, and they were digging in on you heavily about the Watergate investigation. Sometime during that time, I think around March 7 or 8, you, in your statement alluded to it, had a call with Mr. Ehrlichman and he seemingly approved of the way you were handling yourself. But, of course, unknown to you that same day he called Mr. John Dean and therein ensued the famous quote that I think we ought to "let him hang there, let him twist slowly, slowly in the wind."

At what point in your confirmation hearings did you discern this attitude on the part of the White House?

Mr. GRAY. I never did. The first knowledge I had on that was when I was shown in the assistant U.S. attorney's office that telephone conversation.

Mr. EDMISTEN. What was happening? Do you know now, what was happening to you?

Mr. GRAY. What was happening to me?

Mr. EDMISTEN. As far as the White House was concerned?

Mr. GRAY. Mr. Edmisten, that calls for a judgment, you know, that I am not prepared to make because I didn't have all of the facts on the other side, but knowing at least what I know now, and knowing that in the service of my country I withstood hours and hours of depth charging, shelling, bombing, but I never expected to run into a Watergate in the service of a President of the United States and I ran into a buzzsaw, obviously.

Mr. Edmisten. Is it possible that the attitude of the White House changed because you were attempting in a manner without compromising the FBI's integrity to tell the Judiciary Committee everything that you knew.

Mr. GRAY. Well, now, there is no question about it in my mind because the original offer that I made was rescinded on March 16. I offered every Senator of the United States a complete FBI investigative file. Everytime a Senator would ask me a question that I could not remember, I would go to the FD302 to get the exact information and put an insert in the record and I can see now that this was perhaps very unsettling. I believed it was the right thing to do. I was proud of that investigation. I thought the FBI did a terrific job and I even sent a message to the FBI explaining why I made that complete FBI investigative file available to every U.S. Senator to be accompanied by two special agents of the FBI who would respond to their questions.

Mr. EDMISTEN. Thank you, Mr. Chairman.

I have no further questions at this time.

Senator ERVIN. Mr. Thompson.

Mr. THOMPSON. Mr. Chairman, if I may, I would like to defer what questions I may have until after the members of the committee have had an opportunity to question this witness. And also if I may I would like to waive my privilege of questioning this witness at this time to Senator Weicker.

Senator ERVIN. Without objection on the part of any member of the committee, the Chair will rule that Mr. Thompson can waive his right



to question at this time to Senator Weicker, in which case Senator Weicker will not be subject, since he is exercising counsel's time, will not be subject to the 10-minute rule.

Senator WEICKER. Thank you, Mr. Chairman.

Mr. Gray, I would like to, if I could, just set the background prior to this questioning because of certain comments that have been made relative to our relationship, the fact that I look upon you as I do because of a longstanding friendship, et cetera.

Prior to 1969 when I came to Washington, at which time you came to serve Mr. Finch or with Mr. Finch, had you and I ever met?

Mr. GRAY. No, sir.

Senator WEICKER. Have you been in my house or I in yours in a social sense aside from the meeting that we had in my home relative to this matter here?

Mr. GRAY. No, sir, I didn't even know who you were. [Laughter.]

Senator WEICKER. And the positions that you were offered in the administration, these weren't positions that I recommended you for but rather positions that came about in your relationships with the administration, is that correct?

Mr. GRAY. Yes. I didn't even know you, Senator Weicker, and I made no request of you and the only reason I got into the administration at all was through Bob Finch and I had to labor mightily even to get in and come back here and serve my country at a tremendous financial sacrifice.

Senator WEICKER. It is true, however, that since the matter of Watergate has arisen and problems associated thereto that you and I have had increasing frequency of contact.

Mr. GRAY. Yes, Senator Weicker, that is correct.

Senator WEICKER. Now, I would like to read to you, if I might, Mr. Gray, a portion of the President's statement of April 30, 1973, specifically that portion which states:

Until March of this year I remained convinced that the denials were true and that the charges of involvement by members of the White House staff were false. The comments I made during this period and the comments made by my press secretary in my behalf were based on the information provided to us at the time we made those comments. However, new information then came to me which persuaded me that there was a real possibility that some of these charges were true, and suggesting further that there had been an effort to conceal the facts both from the public, from you, and from me. As a result, on March 21 I personally assumed the responsibility for coordinating intensive new inquiries into the matter and I personally ordered those conducting the investigations to get all the facts and to report them directly to me right here in this office.

My first question to you, in light of the President's statement of April 30, where he states that on March 21 he personally assumed the responsibility for new inquiries and personally ordered those conducting the investigations to "get all the facts and report them directly to me right here in this office." My first question is: Did you ever receive after March 21 or from March 21 on a directive from the President of the United States relative to these Watergate matters, which directive inquired of you as to what your investigations were producing, sir?

Mr. GRAY. No, sir. The President did telephone me on March 23 and this was the typical buck-up-type of call—

Senator WEICKER. May I stop here for 1 minute, Mr. Gray? Was the FBI investigating—were they still involved in investigations of Watergate in March?

Mr. GRAY. Yes; because it was due to the action that I took—I tried to take it in October and I did take it in December to get us into the activities that were political in nature, you might say. They involved the activities of Mr. Segretti and to the best of my knowledge, information and belief, and I believe that I have exhibits before this committee which indicate all of what I am saying right now, Senator Weicker, we were at that time still investigating.

Senator WEICKER. And you received from March 21 on—we will get to the phone conversation in a minute—no order from the President as one who was conducting the investigation “to get all the facts and to report them directly to me,” the President, “right here in this office”?

Mr. GRAY. I did not, sir, and I received no such order from anybody.

Senator WEICKER. All right.

Now, would you please tell the committee as to what happened in the phone call of March 23?

Mr. GRAY. The March 23 phone call from the President, once again, it was a surprise to me. I did not really expect to see it. That followed the testimony I had given on March 22 and which in response to a question from Senator Byrd I had said that Mr. Dean had probably lied when he was talking with our agents and the way the questions were phrased by Senator Byrd there was no other answer I could give. But the President called me on March 23 and it was in the nature of a buck-up call to say, and I cannot remember his precise words, but to say I know the beating that you are taking up there and it is very unfair and there will be another day to get back at our enemies and there will always be a place for you in the Nixon administration, and I thanked the President and then I remembered distinctly him saying, “You will recall, Pat, that I told you to conduct a thorough and aggressive investigation,” and I remembered that so distinctly because I had the eerie feeling that this was being said to me but why, and I related it immediately to the July 6 telephone conversation I had had with the President in the previous year.

Senator WEICKER. Now, the July 6 telephone conversation as I recall, this one emanated from the west coast, is that correct?

Mr. GRAY. Yes, sir. That is the one that I testified to in my statement.

Senator WEICKER. Do you have any understanding as to where the March 23 phone call emanated from?

Mr. GRAY. No, sir, I do not know. I do not know as of this day and maybe I do not know if my telephone logs would show on March 23. We can take a look but I do not know of my own independent recollection right now.

Senator WEICKER. But you do recall the nature of the conversation. It was, No. 1, to buck you up in relation to your confirmation hearings, and having done that, the President turned to you and said, “You will remember, Pat—our previous conversation?”

Mr. GRAY. No; he just said, “You will remember, Pat, I told you to conduct a thorough and aggressive investigation.”

My daily log, which was presented before this committee, for Friday, March 23, 1973, shows that at 1:11 p.m., on that day “President Nixon telephoned and spoke to Mr. Gray.” That would indicate

to me that that telephone conversation was made in Washington, since there is no reference at all to San Clemente or Key Biscayne and normally the people who kept this log would make such references.

Senator WEICKER. Now, Mr. Gray, I would like to move along, if we can, to the events of April, more specifically those events which commenced with your telling me of the burning of the files in your office on April 25. I think that has been gone into in detail. If there is anything you want to add, any further question, I am sure they will develop that, but I would like to move from April 25 to the afternoon of April 26 and have you recount to the committee in your own words what transpired in the late afternoon of April 26.

Mr. GRAY. Well, Senator Weicker, it was after 6 o'clock in the evening when I was leaving and I believe it to be somewhere between 6:15 and 6:30 and I was driving out the gate and the police officer there, of the GSA security force, Officer Cousin, whom I used to say hello to every night as we drove out, exchanging a few pleasantries, said to me that Mr. Petersen had called and it is urgent and you are to call him right away, and I got out of my car and I walked into the guard booth there and I telephoned Mr. Petersen and Mr. Petersen said that he had had a call from the Attorney General, Attorney General Kleindienst, and Attorney General Kleindienst wanted to meet with us in his office at 7 p.m. Mr. Petersen said he was calling from the golf course and was coming in directly from the golf course and it was about the stories and rumors that were on the media circuit that the files had been burned. And I said, fine, I will go back up to my office and wait a while, and I asked my driver, Special Agent Thomas Mote, who is also a good friend of mine, to park the car and wait for me, and I went on up to the office and at about 7:15 p.m. I walked over to the Attorney General's office and I found the main door locked and I walked to what we call an alcove door that leads almost directly into his own private office and I can remember pulling out my key and the door was open. I did not have to use my key. And I walked right in, walked through the conference room, walked into the secretary's area and picked up the phone, called Mr. Petersen and told him that I was here in the Attorney General's office and just then the Attorney General walked in—I could hear his footsteps—and I told Mr. Petersen the Attorney General walked in, come on up, and I went back immediately and the Attorney General said to me the President had called him and is concerned about the reports that these files were burned and that we had to meet and make some recommendation to the President.

By then Mr. Petersen had come up. We both sat in chairs in front of the Attorney General's desk and I told them that I had spoken with you. I did not say to them that you had talked to the press, even though you had told me that you did. You said to me you are probably going to be the angriest man in the world at me for talking to the press and I told you, no, you ought to be the angriest man in the world at me. I did not say that you had given this information to the press but I said I believe that Senator Weicker knows all about this because I have spoken to him.

Then Mr. Kleindienst said let's have a drink. [Laughter.] And Mr. Petersen and Mr. Kleindienst and I all went into a little private office off of his main office and Mr. Kleindienst fixed a drink for himself and Mr. Petersen and I do not drink and I just sat there in an over-

stuffed leather chair and Mr. Kleindienst was sitting right in front of me facing me and he said to me, "It doesn't seem to me that you can continue as acting director of the FBI," and I said, "Well, Dick, it does seem to me that I can continue as acting director of the FBI because these files had absolutely nothing to do with Watergate and the men and women of the FBI know I have done nothing to stifle this investigation, but that I will accede to whatever the President wishes. If he wishes me to continue to serve, I will serve. If he wishes me to resign, I will resign."

Mr. Kleindienst then went into his other office and said he was going to talk to the President and during his absence Mr. Petersen was pacing up and down in the office, walking back and forth, and I remember him distinctly saying, "Pat, I am scared." And I said, "Henry, why?" And I am still sitting there in that chair. And he said, "I am scared because it appears that you and I are expendable and Haldeman and Ehrlichman are not." And I said, "Henry, do you think I should get a lawyer?" And—this is the first time I had entertained the idea, and he said, "Yes." And I did. Later.

But then Mr. Kleindienst came back into the office and sat down in the chair again, facing me, and said "The President wants you to continue to serve as acting director," and I said, "Fine, Dick, I will do it." And then all three of us left the office. We walked out of the office together.

Senator WEICKER. Now, would you move to the morning of the 27th?

Mr. GRAY. Well, when I got home that evening I got—it was after 8 o'clock and I did quite a bit of thinking about this and I thought that I had better really resign, that this was not the thing to have done and that there was no way in the world that I would be able to explain it to the FBI. It would take too long. So coming into the office that next morning, I asked two members of my personal staff, the oldest two members, to come in and sit down with me. I told them all the facts and I said, I just feel that I can no longer command the FBI. They agreed with me and I told them, I said, all right. What I want you to do, I am going to call Marjorie in, my secretary, and dictate my resignation. I want you to prepare a statement to go along with it. Earlier that morning, at about 8 o'clock, when I first came in, I called Mr. Felt, reached back on my console, pushed his button and called him and I said, "Mark, later on I am going to want to talk with you and members of the personal staff about this story of the burning of the files but I feel that I can no longer command the FBI." I told him that earlier. Then they came—the members of my personal staff came—the two members of my personal staff came back in at about 10:15 in the morning. I asked Mr. Felt to come in. We went over the whole thing again, went over the statement. We went over my letter of resignation and I told Mr. Felt to have the acting directors assemble at 11:30, that I was going to tell the Attorney General that I was going to resign and that was all that was to it.

I can't—I believe that I did tell the Attorney General. I am pretty sure that I told the Attorney General. I haven't even looked at my logs to see if there is a telephone call to him but I am pretty sure that I told him that I was going to resign.

I had Mr. Felt set up the meeting with the assistant directors at 11:30 in my conference room so I could appear before them and tell

them. And I did. I met with them and I told them exactly what had happened and I said, Mr. Felt will tell you all the details but I feel that I can no longer command the FBI.

I shook hands and I said goodbye.

I think it was then, at about noon, that I called Mr. Higby. I called Mr. Haldeman's office asking to speak to the President and I got Mr. Higby and Mr. Higby said that the President and Mr. Haldeman and Mr. Ehrlichman were in Mississippi with Senator Stennis, and I think it was Meridian, but I am not sure of the town, and that he would have to get to them with regard to my statement to him that I was going to resign, that I could no longer command the FBI, and that if I tried to do so, there would be insurrection and mutiny, and that this resignation had to be accepted. And that was just at about noon.

And I believe—let me refer to my logs.

Senator WEICKER. Go ahead.

Mr. GRAY. Yes. I telephoned Mr. Higby at 12:18 p.m. and I told him at that time that my resignation had been written and was on its way over, and he said, let me talk to them, the party down there in Mississippi, before you send this over.

And then there was another call at 1:59. Mr. Higby spoke to me and said, "Please send your resignation over. They are expected back at about 3 o'clock." And I believe it was in this call that I told him I also wanted to issue a statement along with this resignation of mine and this—my recollection is that it took him aback a little bit and he said, "Nobody at the White House is going to want to issue this statement," and I said, "No, my statement is harmless. I am going to issue it," and I read it to him. And then he called me back at 2:09 p.m. and told me to go ahead and send the resignation over and send the statements over to him, which I did.

Senator WEICKER. Now, after your resignation was announced, did you receive any information—

Mr. GRAY. When I left.

Senator WEICKER. Or any indication that according to White House officials, those associated with the White House, the fact that yours was not a resignation but rather you had been kicked out?

Mr. GRAY. Yes, sir. I left the department that afternoon about 2:45 p.m., and drove, as I recall, to Connecticut and I think it was the next day that I talked with my executive assistant, who told me that there had been stories that had been carried on the wires to the effect that I had been thrown out and that he had taken it upon himself to—because he had participated in this whole thing with me—he had taken it upon himself to issue a correcting statement attributed to FBI sources.

Senator WEICKER. Then, at any point, I repeat, between March 21 and April 27, which marked the date of your resignation, at any time during that period did you or were you requested by the President of the United States to give to him information, facts, et cetera, relative to the Watergate situation?

Mr. GRAY. I was not given any orders by the President of the United States or anyone to give them any facts about the Watergate situation until Mr. Petersen came to me on April 16, and I have already testified to that in my statement. This is when they asked me whether John Dean had given me two of Howard Hunt's files.

Senator WEICKER. After March 30, it has been testified to before this committee, that Mr. Ehrlichman was placed in charge of the Watergate investigation as of March 30. So my question to you is, aside from the phone call of April 15, which phone call again has been testified to before this committee, and also I believe has been testified to by you, did Mr. Ehrlichman make any inquiry of you as to the matters attendant to Watergate?

Mr. GRAY. No, sir; he did not. There were calls with Mr. Ehrlichman but they did not involve Watergate and I know I met with Mr. Ehrlichman and Mr. Timmons in Mr. Ehrlichman's office regarding the possibilities as to whether or not there were sufficient votes to carry my nomination out of committee. I know we discussed at that particular meeting I would probably be the best man to take the FBI through the hearings before the Ervin Select Committee but I recall absolutely no requests of me for information regarding the conduct of the investigation or about the continuance of the investigation other than those that were the reports that were going back on the specific items that the Department of Justice was asking us to inquire into to investigate in connection with Segretti activities, the interviews of Mr. Chapin I have reference to, and those documents are exhibits before this committee, I have submitted them.

Senator WEICKER. Mr. Chairman, I have no further questions at this time.

Senator ERVIN. Senator Talmadge.

Senator TALMADGE. Mr. Gray, you had long service in the U.S. Navy, I believe?

Mr. GRAY. Yes, sir; 26 years of it.

Senator TALMADGE. What was your rank when you retired?

Mr. GRAY. Captain.

Senator TALMADGE. You were accustomed to carry out orders of superiors, were you not?

Mr. GRAY. Yes, sir; in the Navy I was trained in, you said "aye, aye, sir."

Senator TALMADGE. It was the same Navy I served in, I may say also, Captain Gray.

Now, getting to these Hunt papers that were turned over to you on June 28, I believe it was, 1972, is that right?

Mr. GRAY. Yes, sir, in the evening.

Senator TALMADGE. And they told you never to let them see the light of day?

Mr. GRAY. Yes, sir, these, as I best remember it, Senator Talmadge, this was in the concluding remarks of Mr. Dean when he said to me that these have national security implications, they are political dynamite and clearly they should not see the light of day.

Senator TALMADGE. Was it your thinking when you received that order that Tennyson must have had in mind when he wrote the "Charge of the Light Brigade," "Theirs was not to reason why, but do or die."

Mr. GRAY. I do not know that I thought in those terms, Senator Talmadge. [Laughter.]

But I really, you know, I took this as an order and I did ask the question, "Should these become a part of the FBI investigative file?"

Senator TALMADGE. You accepted it as an order and you executed it as an order and you carried it out as an order, is that correct?

Mr. GRAY. That is correct.

Senator TALMADGE. What did you think the source of this authority was?

Mr. GRAY. Well, as I have testified, I cannot really say it came from the President but I can say to you, Senator Talmadge, that one thing I neglected to say in the course of the conversation in the Attorney General's little private office when he was sitting there, after having talked with the President, Mr. Kleindienst said to me there must be no implication that in burning these files there was any attempt of a coverup at the White House, and I told him, I said, "Dick, I clearly got instructions, I thought, to burn those files and I burned them and that is going to be my testimony."

Senator TALMADGE. You assumed that Dean's authority came from the President, did you not?

Mr. GRAY. He was standing right there in the presence of the top assistant to the President.

Senator TALMADGE. You assumed that Ehrlichman's order came from the President?

Mr. GRAY. I had to believe they were acting for the President, yes.

Senator TALMADGE. You assumed that it came from the Chief Executive of the United States of America acting in that capacity, subordinates?

Mr. GRAY. I made that assumption but, Senator Talmadge, in fairness and decency and honesty, I have to say I just cannot testify under oath that the President ordered them to do this.

Senator TALMADGE. I can understand that.

Mr. GRAY. But I made that assumption, there is no——

Senator TALMADGE. You were in the Navy, when you got an order from the fleet commander you assumed it came from the Chief of Naval Operations, did you not?

Mr. GRAY. That is correct.

Senator TALMADGE. And in turn that he was appointed by the President of the United States, it came from the authority of the President; is that an accurate statement?

Mr. GRAY. That is correct.

Senator TALMADGE. I believe you, in some statement, stated you wrote the President, I believe——

Mr. GRAY. That is correct.

Senator TALMADGE [continuing]. In 1968, to beware of his subordinates, they were attempting to wear his stripes as Commander in Chief; is that correct?

Mr. GRAY. Yes, sir; I wrote that to him, that was in connection with my letter to him saying that I was delighted to hear his remarks on the evening there in the Waldorf because I was writing in terms of the divisiveness and polarization that had set upon our country and it seemed to me he was saying he was going to yield this and I wrote it in that connection. I wrote him a very idealistic flowering letter and that letter was introduced in evidence before the Nedzi subcommittee, but in the letter I did just say that, Senator Talmadge.

Senator TALMADGE. What made you think then that his subordinates were trying to take advantage of the positions that they were being placed in?

Mr. GRAY. That was very early in the game and I did not know any of those subordinates but I knew sometimes this would occur in the area of White House politics and I was merely telling him that I had nothing specific in mind, Senator Talmadge, because I did not even know who were going to be the subordinates.

Senator TALMADGE. That was foreboding on your part on behalf of a friend?

Mr. GRAY. Yes, sir.

Senator TALMADGE. You had that suspicion in 1968. What made you abandon that suspicion in 1972?

Mr. GRAY. The thought never occurred to me at all again, you know, that letter had to be dredged up out of memory.

Senator TALMADGE. You assumed then when they gave those instructions it came from the Chief Executive of the United States of America.

Mr. GRAY. No question about it, because I had had prior experience in the administration and I knew that those men did give orders. I knew that they used to come over and do that sort of thing, they used to do that at HEW.

Senator TALMADGE. Let us get back to your telephone call. I believe the President of the United States called you the night of July 6, 1972, to congratulate you on the good work the FBI had done in preventing the hijacking of an airplane in California; is that correct?

Mr. GRAY. Yes, sir; it was before noon, though, Senator Talmadge.

Senator TALMADGE. Before noon. You took advantage of that opportunity, I believe, to relate to the President of the United States your concern in behalf of some of the operations of his subordinates; is that not true?

Mr. GRAY. That is correct.

Senator TALMADGE. Well, now, there is a memorandum dated, July 13, 1972, signed by Lt. Gen. Vernon G. Walters, Deputy Director of the CIA, some different from the conversation that you had with the President in your testimony that you presented to us last Friday.

Now, as I recall the facts, you and General Walters had several conversations from time to time about interference you were having from the White House trying to drag in the CIA in the investigation, is that not true?

Mr. GRAY. Senator Talmadge, I have to say that I talked with General Walters on June 23 when he met with me and I did not have any other contact with him until July 5, I believe, when I telephoned him and then I met with him on July 6, and it was at that July 6 meeting where his preoccupation with his inability to write a letter saying there was CIA interest in Senor Ogarrio and in Mr. Dahlberg became of considerable importance.

Senator TALMADGE. Let me read now what General Walters had to say about your conversation, about your conversation with the President and ask you wherein you differentiate. General Walters, quoting you: "The President then asked him what his recommendation was in the matter. Gray had replied that the case," that is, the Watergate case he is referring to is it not?

Mr. GRAY. I am sure it is, Senator Talmadge.



Senator TALMADGE. "The case could not be covered up and would lead quite high and he felt that the President should get rid of the people that were involved." Did you tell General Walters that?

Mr. GRAY. I have no recollection or memory of telling General Walters that because my recollection of my message to the President is entirely different. My recollection is that it was I who first raised the question with the President. It was a surprise to me that the President called me back so quickly after I had spoken with Mr. MacGregor and it was with some fear and trepidation, I might add, that I really literally blurted out to the President, "Mr. President, I have something that I want to speak to you about." So my recollection of that conversation is quite different.

Senator TALMADGE. Mr. Walters' memo was written right after the conversation that you recollect later on, was it not?

Mr. GRAY. Yes; that is his testimony, Senator Talmadge.

Senator TALMADGE. Let's read some more of General Walters' statement now and see where the conflict is between you and him.

I am quoting further General Walters and he is reporting your telephone conversation to the President:

Any attempt to involve the FBI or the CIA in this case would only prove a mortal wound. He used my words. And would achieve nothing.

Did you tell the President that?

Mr. GRAY. I told the President that Dick Walters and I feel that people on your staff are trying to mortally wound you by using the FBI and the CIA and by confusing the question of whether or not there is CIA interest in it or not, or in the people that the FBI are to interview.

Senator TALMADGE. Whom did you have reference to when you mentioned members of his staff?

Mr. GRAY. Had the President asked me, I would have mentioned Mr. Dean and Mr. Ehrlichman because I was still smarting a little bit under the cancellation of the June 28 meeting.

Senator TALMADGE. Let me read further now, still quoting General Walters:

The President said then, and I quote, "Then I should get rid of whoever is involved no matter how high." Gray replied that was his recommendation.

Did that conversation take place?

Mr. GRAY. Senator Talmadge, I have no, absolutely no memory of that, and my recollection of my conversation with the President is as I have testified to. And I have also submitted to this committee some exhibits, some responses with regard to General Walters' statements. I don't believe we are that far apart but I believe that he is taking over things that we talked about at that time and putting them in there in improper context, not direct context.

Senator TALMADGE. Let me read further now:

The President then asked what I thought, that is referring to Walters, and Gray said my views were the same as his. The President took it well, thanked Gray, later that day Gray had talked to Dean and repeated the conversation to him, Dean said, OK.

Is that correct?

Mr. GRAY. I did start out my conversation with the President by saying Dick Walters and I feel, so there is no question about the fact that I mentioned that General Walters certainly shared in my views, Senator Talmadge, but I did not call John Dean. I told very few people of this; there were very few people who really knew of this conversation with the President of the United States.

Senator TALMADGE. Then the difference between you and General Walters' testimony, I take it, is in the subject of detail and not the tenor of the conversation?

Mr. GRAY. No question about it, Senator Talmadge; the message was delivered.

Senator TALMADGE. Let me ask you something that I think is very important.

The only evidence that this committee has had to date implicating the President of the United States is that of John Dean and you and General Walters.

Did you think that your conversation with the President on July 6, 1972, was sufficient to adequately put him on notice that the White House staff was engaged in obstructing justice?

Mr. GRAY. I don't know that I thought in terms of obstruction of justice but I certainly think there was, it was adequate to put him on notice that the members of the White House staff were using the FBI and the CIA.

Senator TALMADGE. Do you think an adequate, do you think a reasonable and prudent man on the basis of the warning that you gave him at that time, would have been alerted to the fact that his staff was engaged in something improper, unlawful, and illegal?

Mr. GRAY. I do, because I frankly, I expected the President to ask me some questions and for 2 weeks thereafter, I think it was on the 12th and again on the 28th, I asked General Walters if the President had called him and when I heard nothing, you know, I began to feel that General Walters and I were alarmists, that we had a hold of nothing here and it is true that I must say that I called Clark MacGregor with some fear and trepidation because I didn't have all of the specifics. I had General Walters' continued reiteration that if he was directed to write such a letter to me he would resign and we did discuss his resignation and I even mentioned to him I had already said this to my people.

Senator TALMADGE. One or two final things, I think my time has about expired, Captain.

I believe you made a denial to someone that you burned papers last Christmas during the Christmas celebration, during that period in Connecticut.

Who did you make that denial to?

Mr. GRAY. Assistant Attorney General Henry Petersen on April 16 of this year in my office.

Senator TALMADGE. Did you make any other denial that was a fabrication or falsehood?

Mr. GRAY. I didn't tell the whole story, the correct story to Senator Weicker. I testified to that yesterday.

Senator TALMADGE. You failed to volunteer at that time or did you tell him an outright falsehood?

Mr. GRAY. To Senator Weicker?

Senator TALMADGE. Yes.

Mr. GRAY. I told him an outright falsehood. I said I burned those papers on the 3d day of July in a wastebasket in my office in the FBI, and it was not true, I did not tell him the truth.

Senator TALMADGE. That is twice you yourself, Captain, have admitted you told a falsehood. Why do you think this committee should believe you now rather than maybe believing you were still telling a falsehood?

Mr. GRAY. I am sitting up here testifying to you under oath and knowing full well that the substance of my testimony is critically important to this Nation.

Senator TALMADGE. You are a lawyer, you are well aware of the penalty of perjury?

Mr. GRAY. Yes, sir.

Senator TALMADGE. Thank you, Captain; I have no further questions.

Senator ERVIN. Senator Gurney.

Senator GURNEY. Mr. Gray, let's go back to the meeting with General Walters, the first one on June 23.

What did he say to you when he and you talked together?

Mr. GRAY. The best as I—the best that I can remember, Senator Gurney, is that he stated to me that if we proceeded with our investigation into it, and my recollection is Mexican money chain, we would uncover CIA assets and resources and then he mentioned to me the agreement between the agencies not to uncover one another's sources and although I had not read that agreement at that time and have not read it yet, I said to him I understand this, it is logical, it makes sense, and I recollect that he also said that if we did proceed to investigate south of the border we could interfere with some CIA covert activities.

Senator GURNEY. Did you want to go on further?

Mr. GRAY. I think he also told me that we had the five people and the matter ought to be tapered off there.

Senator GURNEY. Did he tell you that he had previously had a meeting with Mr. Haldeman and Mr. Ehrlichman?

Mr. GRAY. No, sir, because I had no recollection or memory of that and I was outraged when I read this in the newspapers, I think it was in May of this year.

Senator GURNEY. Then he never did tell you what he told the committee here not long ago, that Mr. Haldeman actually gave him an instruction to go over to you and tell you something?

Mr. GRAY. He did not tell me to the very best of my memory and I have searched it and dredged it, because I have got to be fair to him, but I do not remember him telling me; I knew, however, Senator Gurney, from a phone call from John Dean that he was coming to see me.

Senator GURNEY. He, Dean, set up the meeting or else warned you it was going to take place?

Mr. GRAY. He told me.

Senator GURNEY. Alerted you?

Mr. GRAY. Yes, he told me General Walters would be calling for an appointment, I should see him and that he had something to tell me.

Senator GURNEY. Then why do you think that General Walters was there after you finished your meeting and he said to you what he did, what was your impression as to his reason for being there with you?

Mr. GRAY. My impression was he had brought to me a CIA message that we had some problems, some difficulties and that we would have to maneuver around them until we could see exactly where we were going with that investigation and indeed that is just exactly what I ordered my people to do.

Senator GURNEY. At any later date did he call you on the phone or come to you in a meeting and say, "Mr. Gray, I have had my people here in the CIA go all over their records and files and we can't find any covert operations in Mexico that you could interfere with."

Did he ever say that to you?

Mr. GRAY. No, sir, the only meeting, the only thing that occurred along those lines is when after two meetings with my people we finally, I finally made the decision that I had to have a writing from the CIA if I was to continue to refrain from interviewing Ogarrio and Dahlberg. That is what I was interested in. I was interested in Ogarrio and Dahlberg. We had done everything we could do to trace the money except interview those two men and my message to him was either you have got an interest in Ogarrio and Dahlberg or you haven't, and if you have I need it in writing or I am going to go ahead and interview those people.

Senator GURNEY. Now, at that point—of course, he has testified and said that he couldn't give you any such written assurance. Did you get the idea that he had been perhaps instructed by somebody to try to get you to slow down or steer clear?

Mr. GRAY. I got the idea that what he was saying to me was that he might be instructed or that he could be instructed. He was telling me that if I am directed to write to you in this vein, I am going to have to resign. This will be a disservice to the President. I would have to ask to see the President. And this is the July 6 meeting where his total preoccupation was with, if I am directed to write such a writing, I cannot do it. And it was at that meeting that he handed me also that long memorandum.

Senator GURNEY. Did he recount to you then or on any other occasion these phone calls he had with John Dean?

Mr. GRAY. Absolutely not, sir. My first recollection of knowing anything about those is when I read that newspaper and worked up a rebuttal that night in my apartment and called my attorney that evening and told him that I wanted to go on television the next day to rebut this.

Senator GURNEY. He told you nothing about these, I would call them hints and suggestions that the CIA do something about this?

Mr. GRAY. No, sir.

Senator GURNEY. And particularly, did he tell you about Dean's request of the CIA through General Walters to furnish bail money and support money for the defendants?

Mr. GRAY. No, sir. That was never mentioned in that conversation. If things like that had been mentioned in that conversation, Senator Gurney, he would have sat right there while I called the President of the United States.

Senator GURNEY. Let me go into here, in my remaining few minutes, about the FBI investigation. There have been a great many, I think, accusations or hints or suggestions along the way here that the FBI conducted a somewhat less than full investigation of this Watergate

matter, and I would like to start at the beginning and see from you the acting head of the FBI then exactly what they did do. In the first place, who authorized the investigation?

Mr. GRAY. In the very beginning, in the very early part of it, I asked whether or not we were in it and did we have jurisdiction. Initially, you know, it was thought to be a burglary which would just be a District of Columbia case, would be a Metropolitan Police Department case, Senator Gurney. Then it was thought to be a bombing case. And then later on my agents detected those devices and as a matter of fact, we were already justifying our entry into the case on the Interstate Transportation of Stolen Property statute and my guys were in it already. But later on the Assistant Attorney General, Criminal Division, the U.S. attorney for the District of Columbia, stated that this would be an FBI case but I would like the record to show quite clearly and it can be substantiated that we were in it prior to that time.

Senator GURNEY. And after you started the initial investigations, your people did advise you that this was a case in which the FBI had jurisdiction, so you ought to continue.

Mr. GRAY. Yes, sir. They not only advised me of that and I discussed it with Mr. Felt and there is documentation to this effect, that this would be conducted as an aggressive, vigorous, thorough, no-holds barred investigation.

Senator GURNEY. Just how vigorous and thorough was this? For example, how many agents did you have working on this?

Mr. GRAY. There were over 300, Senator Gurney, and there were over 27,000 man-hours of time, as I remember. There was considerable overtime and I think there is an exhibit before this committee, I think 53 of our 59 field offices were involved and four of our foreign offices were involved and instructions were continually going to the field to take—the special agent in charge of each field division was to take this investigation under his own personal supervision, utilize as many special agents as were needed to do a vigorous, imaginative, thorough investigation and follow all logical leads as quickly as possible.

Senator GURNEY. I think in a previous question by the chief counsel, or assistant chief counsel, who interrogated you, you refer to this article by Mr. McCord where he said that top professional people tried to do thus and so and were prevented from doing it, and I do remember your answer to that, but my question is, who were the top professional people in charge of this investigation?

Mr. GRAY. I would say that the individual most directly in charge of it would have been the special agent in charge of the Washington field office, Mr. Kunkel, who was commended by the U.S. attorney and then Mr. Bates, who was the assistant director of the General Investigative Division, and certainly Mr. Felt and certainly Mr. Gray, me, sitting up there at the top of the heap, with the paper flowing back and forth. But the case agents were working on a daily basis there with the assistant U.S. attorneys and the field supervisors were working with the case agents as were the Bureau supervisors, and there is ample documentation, Senator Gurney, before this committee in the form of exhibits. I don't want to take the time of the committee to read them—where the men of the FBI themselves recounted on two specific occasions that I know of the vigor of the investigation, the fact that there were no limitations or restrictions placed upon them.

It is true that we were investigating only violations of the IOC, the Interceptions of Communications statute, and the conspiracy statute and it is true also that in October we sought to broaden that investigation but it was not considered on the basis of the evidence then available that it was prudent to broaden it. That was a Department of Justice decision and order to us.

Senator GURNEY. Did you at any time ever instruct anybody in the FBI to low key or go soft on this investigation?

Mr. GRAY. No, sir; and I think every agent of the FBI will support me in that testimony. In fact, they did support me in that testimony before the confirmation hearings. There is a memo to that effect where they were polled and they were asked and they all came back up with an unequivocal reply. The only lead that was not followed was that one lead of the Karl Wagner of the CIA where Mr. Helms had requested that we not interview these two covert members of the CIA and before I could give the order out one had already been interviewed, John Caswell, but we did not—

Senator GURNEY. To your own knowledge, did any of the other people in charge of this investigation in the FBI give any instructions to low key or soft-pedal this investigation?

Mr. GRAY. No, sir. I certainly have no knowledge whatsoever of any member of the FBI doing that sort of thing. And that is why I feel that Mr. McCord is really unfair—Mr. McCord is really being unfair to the dedicated men and women of the FBI in his article because these people worked around the clock and day and night and that includes the agents as well as the secretaries.

Senator GURNEY. What about Mr. Wagner of the CIA? Do you know what his job area was?

Mr. GRAY. I know now but I did not then and I know only from having read the newspapers and I am proceeding now on the assumption that they are correct. But my recollection from reading it in the newspapers is that Mr. Wagner was General Cushman's executive assistant.

Senator GURNEY. On this matter of search warrants, does the FBI ordinarily ask for search warrants on their own or do they receive instructions from the Justice Department, that is, the particular U.S. attorneys in charge of a criminal matter?

Mr. GRAY. I think that, and, you know, I am not experienced enough to know what the procedure is at that working level, Senator Gurney, so my answer has to be taken in that vein, but I think what would happen, that an agent would consider whether or not he needed a search warrant and then would go ask an assistant U.S. attorney or the assistant U.S. attorney could tell him probable cause lies, here is the warrant, go get it. But I cannot really be that sure of the nitty gritty of the investigative process at that level.

Senator GURNEY. How many people did the FBI interview on the Committee To Re-Elect the President and in the White House?

Mr. GRAY. Oh, I do not know the exact number. I think it was 60 or more at the Committee To Re-Elect the President and I have forgotten the number at the White House. It may be 15 to 20, in that ball park, Senator Gurney.

Senator GURNEY. As I recall your testimony before the Judiciary Committee in your confirmation proceedings, you testified that this

was one of the most extensive investigations in the history of the FBI. Is that not correct?

Mr. GRAY. That is correct, sir.

Senator GURNEY. All right. Now, one final question. If that were so, and I certainly believe you, and I certainly know that the files of the FBI will show the extent of the investigation, why do you not think this led beyond Liddy and Hunt?

Mr. GRAY. I do not know. I have asked myself that many times and I wonder were the agents awed by the people that they were interviewing but when I asked the question, did the agents ask tough questions and I was assured that they had indeed asked tough questions. And one must conclude at this point in time that what was being told to the agents was not correct, was not accurate.

Senator GURNEY. Well, to put it another way, perhaps the reason why it did not lead beyond those two is because there was a massive coverup involved and people were not talking or they were not telling the truth.

Mr. GRAY. That certainly can be concluded at this point in time, Senator Gurney.

Senator GURNEY. Thank you. I think my time has elapsed.

Senator ERVIN. Senator Inouye.

Senator INOUE. Thank you, sir.

I would like to get back to June 28, sir.

Mr. GRAY. Yes, sir.

Senator INOUE. At that time you received papers from Mr. Ehrlichman and Mr. Dean. Were you aware that these papers came from the safe of Mr. Hunt?

Mr. GRAY. Yes, sir; I was, Senator, because one of the things that Mr. Dean said to me, he wanted to be able to say that he had turned over everything from Hunt's safe in the event that such a question were asked him later on.

Senator INOUE. Were you not suspicious that very sensitive papers would be in the safe of Mr. Hunt?

Mr. GRAY. I knew from what we had developed to that date that Mr. Hunt had been working in connection with the Pentagon Papers. I felt that he could very, very likely have been involved in working with national security-type material. Yes, sir. I was aware of that.

Senator INOUE. When did you first learn that Mr. Hunt was involved in the Watergate break-in?

Mr. GRAY. I believe that that was probably—it either occurred in a summary briefing that I got via telephone from Mr. Felt on June 19 when I was in Palm Springs where he read from a summary, or it occurred when I got back to Washington and had my first briefing here in Washington, Senator.

Senator INOUE. So you knew prior to the receipt of these papers Mr. Hunt was involved in the break-in?

Mr. GRAY. I knew that—I did not know that he was involved in the break-in. I knew that he was an individual that we were looking for, that we wanted to talk to him because of the fact that his check had been discovered, I believe, among the effects of the men who were actually involved in the break-in.

Senator INOUE. Then, how could you conclude that the papers that were in the office of Mr. Hunt had nothing to do with the Watergate break-in?

Mr. GRAY. Well, I took the word of Mr. Dean and Mr. Ehrlichman and as I said to you earlier, Senator, the information that we had was that Hunt had been working there in the White House on the Pentagon Papers and other affairs of this nature and I thought it highly likely that there could be national security-related papers in his safe.

Senator INOUE. They impressed upon you that these papers were highly sensitive?

Mr. GRAY. Sensitive and classified with national security implications. Those are the words I remember, and with political overtones. These are copies of papers that Howard Hunt has been working on. These are the words I recollect, sir.

Senator INOUE. In terms of classification, what classification did you have in mind?

Mr. GRAY. I was certainly thinking of secret or top secret classification.

Senator INOUE. If these were top secret classification, and I presume as acting director of the FBI you are well aware of security procedures, did you feel it was adequate enough to just hide it under your shirts? [Laughter.]

Mr. GRAY. You know, Senator Inouye, to be absolutely honest with you, I did not even think of those terms. As a matter of fact, the security at Harbour Square, the apartment I lived in, is very good. It is much better than it is in the Department of Justice, I might add [laughter]. But this is the truth, sir. But I did not consider it.

Senator INOUE. When Mr. Dean called you in Connecticut to inquire about these papers, how did you respond to him, sir?

Mr. GRAY. My best recollection is that I told him I had the papers with me here in Stonington and they are in a safe place.

Senator INOUE. Now, if you had received the impression on June 28 that you had been given orders from your Commander in Chief to destroy these papers, why did you wait 6 months?

Mr. GRAY. That is a very good question, Senator Inouye, and it is one that I have thought about a great deal, and my own thinking at the time was that there was no hurry. I had these papers in my possession and I was going to burn those papers. That was firmly fixed in my mind. And I do not like to admit this, but I did not even know at that time that the two little red wastebaskets under my desk in the office of the acting director of the FBI were burn baskets. I had it fixed in my mind to take these papers with me to my home in Stonington and to burn them there where I had the facilities to burn them. That was my thinking.

Senator INOUE. Now, you have testified that when you, just prior to burning, rifled through or riffled through the papers, that is correct, sir?

Mr. GRAY. I testified that I opened, I believe, Senator, the first file, the smaller of the two files, and noted that this was a State Department cablegram and it looked like it had been mimeographed. It was a coarser type of paper and it was black on white and it had the top-secret stamp on it, and I looked at the first cablegram and I read it, and then I rifled through the others and—



Senator INOUE. Now, what did the first cablegram say?

Mr. GRAY. I cannot with any certainty at all remember the precise words except to say to you, Senator Inouye, that it had to do with South Vietnam and it had to do with the assassination of President Diem and it implicated Kennedy administration officials in promoting or provoking that assassination.

Senator INOUE. Then, how would this be politically embarrassing to the Nixon administration?

Mr. GRAY. I do not know. This is what I was told, sir.

Senator INOUE. Now, at that moment did you not get a bit suspicious—

Mr. GRAY. No, sir, I did not.

Senator INOUE [continuing]. That here was something that they told you would be political dynamite and politically embarrassing I presume to the present administration and not to Mr. Kennedy?

Mr. GRAY. This is possible, Senator Inouye, but what I am saying to you is that I did not become suspicious because at that point in time I felt that I had copies of top secret cablegrams that were in the files of State Department and these were copies of cablegrams that Howard Hunt had been working on.

Senator INOUE. Just a few minutes ago you testified that if Mr. Dean had requested of you FBI assistance in furnishing bail and support money for the Watergate defendants, you would have had him sitting there while you called the President.

Mr. GRAY. No, sir; that is not quite what I testified to. I think Senator Gurney's question to me was did General Walters say to you that Mr. Dean had said this to him? In other words, did General Walters recount his conversation with Mr. Dean when Mr. Dean asked him, General Walters, could the CIA go bail and furnish money for these suspects and I said if General Walters had told me that, I would have had him sitting right there and we would have called the President together.

Senator INOUE. Why did you not do the same thing when Mr. Ehrlichman and Mr. Dean told you to destroy sensitive papers?

Mr. GRAY. I really had no suspicions of them.

Senator INOUE. What is the difference between the two?

Mr. GRAY. Well, the difference was that some things had transpired between June 28 and July 6 and General Walters was telling me at that point in time that he could not give me a directive in writing and the implication being, to me at least, anyhow, I was interpreting that to mean that somebody is going to order him to write a directive to me saying that the CIA does have an interest in Messrs. Ogarrio and Dahlberg.

Senator INOUE. On June 28 did you feel it was something that would be reasonable to suspect the President of the United States to request you through his subordinates to destroy sensitive papers which were found in the safe of one suspected in the Watergate break-in?

Mr. GRAY. No, and I have testified earlier in response, I think, to a question from Senator Talmadge, that I made the assumption that these people were acting with color of authority and within the powers of their office, but I also said that I cannot say that I know as a fact that they received a direct order from the President of the United States to call Pat Gray over there and tell him to burn these documents.

Senator INOUE. In all the years that you have served in the Navy, did any superior officer request of you an illegal act?

Mr. GRAY. That is a pretty broad question, Senator Inouye, and I am trying to think very hard. I am thinking of some wartime operations and thinking of some of the things we did. They could be classed as illegal, perhaps. And I am thinking particularly when I commanded a submarine during the Korean war. But—

Senator INOUE. And you followed those orders implicitly without questioning?

Mr. GRAY. Well, you know, Senator Inouye, you are getting me to the point where I am going to have to tell you what those orders are and those are very, very sensitive orders.

Senator INOUE. What I am trying to say, did you feel a bit strange that the President was requesting you to do something which was rather illegal?

Mr. GRAY. No, I haven't testified that the President was requesting me to do that. That hasn't been the thrust of my testimony.

Senator INOUE. You have testified that you had assumed that the orders had come from the Chief Executive?

Mr. GRAY. That I assumed that these men are acting within the color of their office and within their authority, absolutely there is no question about that.

Senator INOUE. And you didn't think it was strange for the President through his subordinates to ask you to commit an illegal act?

Mr. GRAY. I think that I may have testified earlier that if I had stopped then and there and said, I want in writing from the President of the United States to do this, that I wouldn't have gotten it; but I didn't have that thought at that time, Senator Inouye; there was no reason for me to have that thought at that time, I was not that suspicious.

Senator INOUE. Was this the practice that has been referred to as deniability?

Mr. GRAY. Sir, I don't know because I don't know about that practice of deniability. I know what it refers to, I know it refers to earlier testimony here, but I had never heard that utilized within the Department of Justice.

Senator INOUE. Now, on March 23 of this year you had a conversation, a telephone conversation with the President. And you have just testified that when the President said, "Pat, remember, I told you to conduct a thorough investigation," you said you had an eerie feeling.

What did you mean by that?

Mr. GRAY. Yes, I thought he was trying to put that on the record, so to speak, relating all the way back to the July 6 conversation.

Senator INOUE. Are you suggesting that the President was putting this on tape?

Mr. GRAY. You know, at the time, Senator Inouye, I didn't know that these conversations were being taped but, nevertheless, I had that eerie feeling that the President is reminding me of something and why. That was my reaction. But at that time I didn't know that these were on tape.

Senator INOUE. Further elaborate on the eerie feeling.

Mr. GRAY. Sir?

Senator INOUE. Can you further elaborate on the eerie feeling?

Mr. GRAY. No, it was just that I had the feeling that I was being reminded of something and the only thing that I could think of was the July 6 telephone conversation.

Senator INOUE. You said reminding you of something to place it on the record. Is that what you said?

Mr. GRAY. Yes.

Senator INOUE. And what came to your mind at that point?

Mr. GRAY. The prior conversation that the President had had with me.

Senator INOUE. I have just one final question.

This may sound like a very ridiculous question, but three articles have been written suggesting that the December 8 plane crash in Midway Airport in Chicago was not just an ordinary plane crash, and that there were some insidious activities involved.

People have suggested that there were certain passengers with cyanide in their system and that the FBI had refused to investigate this.

Are you aware of these articles?

Mr. GRAY. I hesitate to say "No" to you because I may have read of them, but when you say, Senator, "cyanide in their system," I am quite sure I haven't read of that one and I am equally certain that there was no refusal on my part as acting director of the FBI to investigate that. I don't know that the matter did come up. I would have to check to see whether or not a request was made.

Senator INOUE. Did you request that the Midway crash—

Mr. GRAY. Did I? Did the FBI? I do not know. I cannot answer that question. Usually a crash like that is investigated first by, it is my understanding that it is investigated first by the National Transportation Safety Board but I would have to check FBI records to see—

Senator INOUE. Wasn't the FBI a bit curious when one of the passengers happened to be Mrs. E. Howard Hunt with \$100 bills in her possession?

Mr. GRAY. I don't know whether the FBI was a bit curious or not. I can't really answer that question.

Senator INOUE. It was on the front pages of most of the papers of the United States.

Mr. GRAY. I realize that. I am aware of that. And the only thing I can say to you is at that period of time I was still hospitalized in Connecticut and I don't know whether a directive came over for the FBI to interview or not interview. I really don't.

Senator INOUE. Now, you rifled through these papers, I just wanted to give you time to think about this. Can you recollect as to the contents of those other papers in the Hunt file?

Mr. GRAY. The only recollection I have of those, Senator Inouye, is that they were onion skin copies of correspondence, that is what they appeared to be to me.

Senator INOUE. After reading the Diem cablegram you were not curious about the other papers?

Mr. GRAY. No, sir; I was not and I did not read them or I would testify today to you what was in them. I wish I could. If I may I would like to correct one thing at least in my testimony. You know when I took that action I didn't consider that to be an illegal action at the inception or at the end, Senator Inouye, on my part, and I still don't.

I viewed that as non-Watergate and certainly on the basis of what I saw clearly non-Watergate.

Senator INOUE. If this had been a legal act didn't you find it a bit strange that Ehrlichman and Dean would ask you to do the dirty job, why couldn't they have taken it back into their wastebasket and burn it?

Mr. GRAY. I think now, looking back on it, and I thought nothing of it at that time, that they indeed wanted to be able to say that John Dean had turned over everything in Howard Hunt's safe regardless of its characterization to the FBI.

Senator INOUE. You are saying that as far as you are concerned the act you committed was normal, proper, legal, and yet you were not curious as to why these men very privately, secretively, asked you to destroy these papers.

Mr. GRAY. No; I was not curious and I am not going to say to you at this point, Senator Inouye, that it was proper and all the rest of it because I know now it wasn't.

Senator INOUE. But at that time you considered it proper.

Mr. GRAY. I did.

Senator INOUE. If it was proper why can't Mr. John Wesley Dean III, take it home to his backyard and burn it?

Mr. GRAY. Those questions were not raised in my mind because on the basis of my training and dealing with the Office of the President, when I was on active duty in the U.S. Navy, I revered that Office and I revered the people in it and I respected them and I had no reason to raise any suspicions.

Senator INOUE. Then you were a bit insubordinate in waiting 6 months to destroy the papers and not following the orders of the President of the United States.

Mr. GRAY. Yes; that is a conclusion that can be drawn, Senator Inouye.

Senator INOUE. Why did you wait these 6 months?

Mr. GRAY. As I testified earlier, I was not in any hurry at all to burn these and I knew I had to burn them because I had no facilities for destruction at Harbour Square, my apartment, and I did not know that those two baskets under my desk in the FBI were burn baskets.

Senator INOUE. Thank you very much.

Senator ERVIN. The committee will stand in recess until 2 o'clock.

[Whereupon, at 11:55 a.m., the committee was recessed until 2 p.m. of the same day.]

#### AFTERNOON SESSION, MONDAY, AUGUST 6, 1973

Senator ERVIN. The committee will come to order.

Senator Montoya.

Senator MONTOYA. Thank you, Mr. Chairman.

Mr. Gray, this morning you recounted the different dates of communication with the White House, with Mr. Dean, with Mr. Ehrlichman, and then also with General Walters. I believe that the first contact you had with respect to the Watergate case was on January—June 20 when you received a call from Mr. Ehrlichman informing you that Mr. Dean would handle the investigation. That was the tenor of that call, is that correct?

Mr. GRAY. Senator Montoya, that was on June 21, sir.

Senator MONTOKA. Well, I have it from your logs here that it was the 20th, but let us say that it was the 21st. And then on June 22 you made a telephone call to Mr. Helms of the CIA. I believe you did that. Or you telephoned somebody with respect to the \$25,000 in the bank account in Miami, did you not? Or did you——

Mr. GRAY. What——

Senator MONTOKA [continuing]. Or did you inform Mr. Dean that evening and was he the first one?

Mr. GRAY. What I did, sir, on June 22 was to have a meeting at about 5 o'clock with Mr. Bates, the Assistant Director in charge of the General Investigative Division, and it was following that meeting that I telephoned Mr. Helms to tell him of our thought that we may be poking into a CIA operation. That was one of the theories that we had, sir.

Senator MONTOKA. Now, why did you get into the investigation and into the discovery of the bank account and the Dahlberg involvement in this money transaction so soon? Had you received a request for this information to be obtained or to try to trace the money that was found on the defendants, the source of the money?

Mr. GRAY. Yes, sir. It was a part, Senator Montoya, of trying to trace the money that was found on the defendants and we had learned that it had gone through the Atlanta Federal Reserve Bank and the Philadelphia Federal Reserve Bank, at least the series numbers with the prefixes "c," and "f," I believe, and we were trying to run down that money as a part of our investigation, and that is how we came across the—and also by virtue of the fact that we had subpoenaed Mr. Barker's bank accounts there in Miami.

Senator MONTOKA. What did Mr. Helms tell you when you called him?

Mr. GRAY. I told Mr. Helms that I was calling to tell him of the thought that we may be poking into a CIA operation in connection with the Watergate burglary, and he told me that he had been meeting with his men on this every day and that, although we know the people, we cannot figure this one out, but there is no CIA involvement.

Senator MONTOKA. All right. Then, that evening you met with Mr. Dean.

Mr. GRAY. That is correct, sir.

Senator MONTOKA. And you told Mr. Dean about the Miami bank account and you brought the name of Bernard Barker to his attention and also the \$25,000 check which was associated with Kenneth Dahlberg.

Mr. GRAY. I believe that at that meeting, which—at which we discussed the scheduling of our interviews and the various theories of the case that we and the FBI were considering, I told him in connection with those theories that we were not zeroing in on any one particular theory but I think I most probably discussed the sum total of the money, the \$114,000, the four checks for Senor Manuel Ogarrio and the cashier's check for Mr. Dahlberg, the \$25,000 one, sir.

Senator MONTOKA. Did you tell Dean about Helms' statement previously that there was no CIA involvement?

Mr. GRAY. I either told Mr. Dean in that evening meeting or I told him in a telephone call the following morning, yes, sir.

Senator MONTTOYA. Now, on June 23, I believe you received two telephone calls or had two telephone communications with Dean. One of these was at 11:06 a.m., and it was during this call that Mr. Dean brought to your attention or raised first the idea that if you persisted in your efforts to investigate the Mexican money chain that you would be uncovering or become involved in CIA operations. That is from your statement on page 6.

Mr. GRAY. Yes, sir. That is what I recollected and that accords with the notes that I have.

Senator MONTTOYA. Then on June 23, that was after that morning meeting at the White House between Mr. Dean, Mr. Ehrlichman, Mr. Helms, and Mr. Haldeman, you received a call from Mr. Dean asking you or telling you that General Walters was going to call you for an appointment.

Mr. GRAY. Yes, sir. Mr. Dean called me that afternoon but, of course, at this time, Senator Montoya, you realize I didn't know that there had been any meeting at the White House.

Senator MONTTOYA. Yes. I recognize that.

Mr. GRAY. I did have that telephone call from Mr. Dean.

Senator MONTTOYA. I recognize that. Then at 2:19 Mr. Dean called you to find out if you had scheduled an appointment with General Walters and at 2:30 you actually met, or 2:35 you actually met with General Walters and it was at this meeting that General Walters delivered the message to you that there was no CIA involvement and you did not know that this message was coming from the White House.

Mr. GRAY. Yes, sir. At that meeting he indicated to me that if we continued our investigation, we would be apt to uncover some CIA——

Senator MONTTOYA. You were likely to uncover some CIA assets or sources if you continued your investigation into the Mexican money chain.

Mr. GRAY. That is correct, sir, and he also mentioned the agency agreement and he also mentioned that if we persisted in our investigative efforts south of the border, we would uncover CIA covert activity and that since we had five men in custody, we should taper off.

Senator MONTTOYA. Didn't you think that this was kind of strange for General Walters to be telling you this when Mr. Helms had told you the day before that there was no CIA involvement?

Mr. GRAY. No, sir; I didn't because it was a subject that came up quite a few times with regard to whether or not the right hand really knew what the left hand was doing in the CIA. We discussed this compartmentalization.

Senator MONTTOYA. Well, did you ask him——

Mr. GRAY. We also discussed the possibility that there was indeed some information known only to the White House in connection with this particular facet.

Senator MONTTOYA. Well, did you ask General Walters a question to this effect, now, General, you are telling me this today and your boss, Mr. Helms, told me that yesterday.

Did you make an inquiry as——

Mr. GRAY. No, sir.

Senator MONTTOYA [continuing]. As to the conflict?

Mr. GRAY. No, sir; I did not, and I don't think that the thought ever entered my mind to question the deputy director of the CIA along those lines.

Senator MONTROYA. Well, didn't you think it was important for the Director of the FBI to ask that particular question?

Mr. GRAY. Generally, Senator Montoya, in my dealings with the people from the CIA, I ask very few questions and looking back on it, this was one of the mistakes I made. For example, I didn't ask Mr. Helms any questions at all when he asked me not to interview the two CIA men. I just issued the orders.

Senator MONTROYA. Well—

Mr. GRAY. In other words, I didn't have those kinds of suspicions at that time.

Senator MONTROYA. Well, you were directing this investigation. You were having some staff meetings with your Chief for Inspections, Mr. Bates, and the rest of the investigatorial staff at the headquarters of the FBI here in Washington.

Didn't it occur to you that this was a very important ingredient in your investigation to resolve it?

Mr. GRAY. Yes, sir; because I immediately following that visit telephoned Mr. Bates and gave him instructions that there was some CIA involvement here, that we should proceed very gingerly and very discreetly and carry out the investigation at the Banco Interacionale, and also continue to try to trace his checks through the correspondent banks but to hold off interviewing Mr. Ogarrio.

Senator MONTROYA. Then why did you at 2:35 p.m., shortly after your meeting with General Walters on this day, call Mr. Dean and tell him that you had agreed to hold back the FBI investigation?

Mr. GRAY. No; I didn't call Mr. Dean and tell him that I had agreed to hold back the FBI investigation. I never told anyone that—

Senator MONTROYA. Well, should I be more specific? You had agreed to hold off on questioning of Mr. Ogarrio.

Mr. GRAY. No, sir.

Senator MONTROYA. Did you tell him that?

Mr. GRAY. No, sir. What I told Mr. Dean was that General Walters had visited me, had indicated to me that there was some CIA involvement, and that we would proceed very gingerly and very discreetly and work around this until we could determine what we had ahold of, and I did that because in the early telephone conversation he had asked me to talk with him following General Walters' visit with me.

Senator MONTROYA. Mr. Dean called you approximately 18 times between June 22 and July 6 when you talked to the President?

Now, most of these calls were concentrated on Mr. Dean trying to prevail on you not to go through with the inquisition of Mr. Ogarrio or Mr. Dahlberg.

Didn't this indicate to you, Mr. Gray, that there was an attempted coverup emanating from the White House?

Mr. GRAY. No, sir; it did not because all along we in discussing our various theories had considered that there was the possibility that this was a CIA covert operation, a CIA money change, a political operation, a political money change, and if I had any thoughts at all on this

thing it was zealous counsel trying to avoid political embarrassment to his President, but I did not really have any suspicion on that.

Senator MONTORA. My 10 minutes are up, Mr. Chairman, so I will follow this later.

Senator ERVIN. Mr. Gray, when the White House witnesses, by the expression I mean those who worked as White House aides, Mr. Dean was present at the time in the capacity of counsel; wasn't he?

When FBI interrogated White House witnesses, Mr. Dean was present to listen to the interrogation?

Mr. GRAY. Yes, he had discussed this but whether or not he was present Mr. Chairman, at each interview, I cannot state with certainty, I have to see the report of interview, the FBI 302.

Senator ERVIN. When the employees of the Committee To Re-Elect the President were interrogated, committee counsel were present; weren't they?

Mr. GRAY. Yes, sir, and the same thing occurred when we interrogated people at the Democratic National Committee in September.

Senator ERVIN. The committee has been furnished two tapes by John Ehrlichman which taped conversations between you and Ehrlichman. Did John Ehrlichman notify you he was taping your conversation?

Mr. GRAY. No, sir, I had no knowledge of that.

Senator ERVIN. The first of these tapes says you were reporting to Ehrlichman, apparently your testimony before the Senate Judiciary Committee, and you said you defended vigorously the right of an employer to insist that his counsel be present at interviews of his employees, particularly when there are implications that these employees may have been involved in hanky-panky that would reflect adversely on the employer.

Wouldn't the converse of that be true and if the employer had been guilty of hanky-panky those employees would be less reluctant to divulge that to the FBI if the lawyer for the employer was sitting there listening?

Mr. GRAY. Mr. Chairman, I wouldn't know what the answer to that question would be not knowing the facts and not being able to—

Senator ERVIN. All you have to know is a little human psychology to answer that question. If the FBI is interviewing an employee of the Committee To Re-Elect the President and the lawyer for that committee is there listening to his testimony, don't you think that would have a deterrent effect on what the witness would say?

Mr. GRAY. Of course, it is the preference of the FBI and has been the preference of the FBI to have these interviews without the presence of the attorney, Mr. Chairman.

Senator ERVIN. As a matter of fact, didn't a number of the witnesses who worked for, rather a number of the interviewees, if I could call them that, who were interviewed by the FBI in the presence of the lawyer for the committee, didn't they call up the FBI and ask to be interviewed in the absence of that lawyer?

Mr. GRAY. Yes, sir; those were Committee To Re-Elect the President people.

Senator ERVIN. Yes; and didn't you think there were some tracks leading right straight from the Watergate into that committee?

Mr. GRAY. I am sorry, I missed that.



Senator ERVIN. Don't you think some of the evidential tracks were leading from the Watergate burglary into that committee?

Mr. GRAY. Certainly it began to look that way as the investigation progressed.

Senator ERVIN. Whenever these witnesses who worked for the committee said they didn't want to be interviewed about the Watergate with the committee lawyer sitting there listening to their testimony and asked for private interviews with the FBI.

Mr. GRAY. Yes, sir; that occurred.

Senator ERVIN. Doesn't that sustain the point witnesses under those circumstances are very reluctant to talk about the hanky-panky on the part of their employer?

Mr. GRAY. This could very well be but it is something, you know, that I can't say with any certainty of fact, but in connection with the presence of counsel at interviews this is a phenomenon that the FBI is encountering more and more and we desire, of course, not to take the interviews in that manner but sometimes we are placed in the position if we want the interview we are going to take it in that manner or not get it.

Senator ERVIN. Now, it was the 3d day of July that you met with Ehrlichman and Dean and they gave you two folders, didn't they?

Mr. GRAY. That was June 28, Mr. Chairman.

Senator ERVIN. Do you not know that prior to that time they had surrendered to the agents of the FBI a lot of material that came out of the safe of Hunt?

Mr. GRAY. Yes, sir; I had a discussion about the materials delivered from Mr. Hunt's safe on the morning of June 27.

Senator ERVIN. Now at this time, Dean stated to you, as he gave you these papers in the presence of Ehrlichman, that there were highly sensitive documents, that they had nothing to do with Watergate but they must not see the light of day?

Mr. GRAY. He said more than that to me but that was included among the things he did say to me.

Senator ERVIN. You construed that to be a somewhat indirect way to tell you to destroy the documents?

Mr. GRAY. The clear impression in my mind, Mr. Chairman, then and now was just that.

Senator ERVIN. Mr. Ehrlichman was standing close enough to you and Mr. Dean to hear what Mr. Dean said?

Mr. GRAY. Yes, sir; we were all very close together, within 18 to 20 inches of one another.

Senator ERVIN. You did take those documents into your possession and later you burned those documents with the trash which accumulated in connection with Christmas packages and the like?

Mr. GRAY. Yes, sir; I did.

Senator ERVIN. You opened one of those packages and you discovered they were State Department telegrams marked top secret?

Mr. GRAY. Yes, sir; they were State Department cablegrams.

Senator ERVIN. You could tell from the telegrams in their then state, whatever their original state may have been, that they indicated that persons connected with the administration of Jack Kennedy had apparently made some suggestions about the assassination of Diem in Southeast Asia?

Mr. GRAY. Yes, sir, that is the thrust of the message in the cablegram, to the best of my recollection, of those words.

Senator ERVIN. Now, did you not ascertain further in the investigation that these had come out of the safe of Hunt in the Executive Office Building and that Hunt had been to John Ehrlichman's knowledge kept on the White House payroll for about 9 months after he had been guilty of being an accessory before the fact to the burglarly arising out of the office of Ellsberg's psychiatrist?

Mr. GRAY. The first I knew about any burglary of Dr. Ellsberg's psychiatrist was when I read about it in the newspapers, Mr. Chairman, so I do not know that I had that particular information that you are specifying here now, sir.

Senator ERVIN. Well, you did know that Hunt was then implicated or allegedly implicated in the Watergate affair?

Mr. GRAY. Yes, sir; I knew that he was—on that date that he was a person that we wanted to interview and we had tried to talk with him, sir.

Senator ERVIN. And did you not ascertain later that these telegrams had been taken out of the State Department and put in the custody of Hunt for the purpose of letting Hunt alter them by forgery so as to make this reflection upon the Kennedy administration?

Mr. GRAY. I do not know that the FBI ever determined that in its investigation, Mr. Chairman. It seems to me that this is something that I recall coming up much after the fact. I do not think that we ever determined that.

Senator ERVIN. Well, do you not think that it was very peculiar for a man who had been implicated in a burglary in September 1971 to be kept on the White House payroll and be given the custody of top secret State Department cablegrams?

Mr. GRAY. Well, knowing what I know now and not knowing it at that time, Mr. Chairman, there is no question about it. It was not proper.

Senator ERVIN. This committee has been trying to find out who kept Mr. Hunt on the White House payroll after Mr. Ehrlichman admitted that he had learned about his participation in the burglary but thus far neither the FBI nor this committee has been able to discover that.

Mr. GRAY. I cannot testify with any certainty to that but I think in our FBI investigative file there are indications that his timesheets were initialed by Mr. Colson. I do not know whether you have had those FD-302's, but I think that there is an indication in there to that effect.

Senator ERVIN. Now, I have always understood these 302 files were the original reports made to the FBI by the agents after they interviewed witnesses.

Mr. GRAY. Well, he interviews the witness, sir, and however he takes his notes I do not know because that is a part of the mechanics that I never became familiar with, and I have been informed, and it is my understanding, that the FD-302, the report of interview, is what the agent dictates or writes out from his notes of the interview and which is later to be used in court under the Jencks Act procedures.

Senator ERVIN. Well, he makes some notes and then he puts out support of what his notes say on 302's?

Mr. GRAY. Yes, sir. They are the result of his interview.

Senator ERVIN. And Dean was given, I believe you testified before the Judiciary Committee, about 80 FBI reports?

Mr. GRAY. Yes, sir, I did testify before the Judiciary Committee to that effect.

Senator ERVIN. Now, did the FBI ever make any investigation to determine whether or not the \$10,000 in \$100 bills which Mrs. Hunt had in her possession when she was killed in the airplane accident were things that came from the Committee To Re-Elect the President?

Mr. GRAY. Mr. Chairman, I do not know. I wish I could answer that question but I do not know the answer to that, sir.

Senator ERVIN. Well, on June 17, 1972, five burglars were caught red-handed in the National Democratic Committee headquarters in the Watergate with Nixon campaign funds in their possession, were they not?

Mr. GRAY. I do not know, Mr. Chairman, that I could characterize them as Nixon campaign funds. We tried very diligently, even to the extent of interviewing tellers in 73 different branch banks, to try to tie it down with that specificity. That was a direct order that I gave. And I just do not know that we could tie it down. We know that the money came in, that it went out, and we know that it came back into the Committee To Re-Elect the President, but whether it was the same money I do not know, sir.

Senator ERVIN. Well, different money came out of the checks. Do you not know that four of these burglars, that is, Barker and the three Cubans, had in their possession at the time of their arrest in the Watergate 53 \$100 bills which bore the serial numbers of the bills that Barker drew out of the Miami bank account which contained the proceeds of the four Mexican checks and the Dahlberg check?

Mr. GRAY. Mr. Chairman, I wish I could answer your question in the affirmative. We tried to prove that but unfortunately, the Republic National Bank in Miami and the Girard Bank & Trust Co. in Philadelphia did not keep the serial numbers, so we could not track it with that specificity.

Senator ERVIN. We have evidence here to the effect that these 53 \$100 bills bore the serial number of the Miami bank and the Miami bank pursuant to law, which I understand applies when they deal out \$5,000 in cash, kept the serial numbers.

Mr. GRAY. My information and the exhibits that I have submitted to this committee which were the copies of memorandums submitted to me as acting director of the FBI do not indicate that. That is all that I am saying. We were told that the banks did not keep the serial numbers.

Senator ERVIN. Well, the testimony here is to the effect, as I construe it, that four Mexican checks which were cashier checks issued by the Mexican bank to Ogarrio and a \$25,000 check known as the Dahlberg check, were received by the Committee To Re-Elect the President here in the city of Washington and that a short time later they were deposited to the bank account of the firm of Bernard L. Barker, in Miami, Fla., and that Bernard L. Barker drew out after some days vast sums of this money in \$100 bills and that the bank, pursuant to law, kept the serial numbers and that these checks found in the possession of

these men bore those serial numbers, but you say you do not know about that?

Mr. GRAY. Well, Mr. Chairman, what I am saying to you is that all the exhibits that I have submitted to you which were the memorandums submitted to me, agree with everything you say with the one exception that we were not able to tie down the serial numbers. We asked them specifically if they kept the serial numbers of the \$100 bills and they told us they did not.

Senator ERVIN. Well, I hold in my hand a photostatic copy of the Dahlberg check for \$25,000 issued on the First Bank & Trust Co., of Boca Raton, on April 10, 1972, and it bears the notation to the effect an endorsement showing it was negotiated to the order of the Republic National Bank of Miami, Fla., for deposit only, Barker Associates, Inc., trust account.

Mr. GRAY. Yes, sir. We detected that. We are in agreement there. We don't have any problem with that, sir.

Senator ERVIN. And you have no problem about the four Mexican checks being part of his account?

Mr. GRAY. No, sir, no, sir, we agree.

Senator ERVIN. Now, you do know from your conversations with General Walters that the White House, and I refer in that to Ehrlichman, handling about these Mexican checks on the 23d day of June 1972, which was 6 days after the break-in.

Mr. GRAY. Yes, sir. I am pretty certain of that because I believe that certainly I either discussed it with John Dean on the evening of June 22 or on the morning of the 23d in that telephone call.

Senator ERVIN. You say on the evening of the 22d or the 23d you discussed it with Ehrlichman?

Mr. GRAY. Not with Mr. Ehrlichman; no, sir.

Senator ERVIN. With Dean?

Mr. GRAY. With Mr. Dean; yes, sir.

Senator ERVIN. Now, was that before or after Mr. Ehrlichman told you that Dean was handling this matter for the White House?

Mr. GRAY. That was after, sir.

Senator ERVIN. So after that you discovered on that day that the fact that the four Mexican checks and the Dahlberg check had existed were known to John Ehrlichman and Dean?

Mr. GRAY. I don't know whether it was known to Mr. Ehrlichman, sir. I know that I discussed them either on the evening of June 22 or in the telephone call of June 23, with Mr. Dean.

Senator ERVIN. Now, your logs show that you had two phone conversations on June 22—I will have to come back to this because I am informed that my time is up.

Senator Baker.

Senator BAKER. Well, Mr. Chairman, you weren't informed by me.

Senator ERVIN. No.

Senator BAKER. I plead innocent to that.

Mr. Gray, over the weekend I had an opportunity to read carefully your statement consisting of 51 pages. There are a number of thoughts, there are a number of questions that occur to me but there is one in particular that stands out with great clarity and potential importance.

According to my count, and I may not be exactly correct, but according to my count, you enumerate 27 major items of testimony that are in disagreement between you and General Walters. There are a great number of other conflicts in your testimony with that of other witnesses—Mr. Dean, Mr. Ehrlichman, and others. But there are very, very material conflicts between you and General Walters. I recite just a few.

On page 7 you state:

Categorically, however, that any sentiment of that kind expressed by me was an effort by me to abide by the CIA-FBI agreement and related solely to the responsibility of exposing the CIA.

You have a disagreement on the conversation about the Dahlberg-Ogarrio checks. About any number of other things. I won't burden my 10 minutes allocated for this examination by enumerating them but surely you are familiar with them.

Mr. GRAY. Yes, sir, I am.

Senator BAKER. Now, can you give this committee any assistance by way of reconciling these patent conflicts between you and General Walters?

Mr. GRAY. I am not so sure that they are that patent in that they are that conflicting really. He says low key and the evidence clearly is that we moved discreetly, not that we low keyed, because even after talking with him we continued to conduct the investigation of Banco Internacional. We continued to look to the correspondent banks to see if we could find anything. The only thing we didn't do, Senator Baker, was to interview Mr. Ogarrio and we were continually trying to interview Mr. Dahlberg, but as I mentioned to Mr. Dean in the telephone call of June 27, Mr. Dahlberg—

Senator BAKER. What was the relationship between you and General Walters, were you friendly and cordial, were you antagonistic or hostile toward each other, why did you have such varying viewpoints?

Mr. GRAY. I thought the relationship was friendly and cordial and I have no reason to believe it is other than that today.

Senator BAKER. You suspect it may be less friendly and cordial after disputing him on 27 major issues.

Mr. GRAY. I don't think so because I told him this in the assistant U.S. attorney's office, "Dick, this isn't the way it happened and this is not my recollection or memory of it at all," and my outrage when I first saw a newspaper article commenting on his testimony was very genuine and very real.

Senator BAKER. Your outrage?

Mr. GRAY. Yes, sir.

Senator BAKER. Is there any one or two, are there a few examples of what caused that outrage?

Mr. GRAY. Yes, sir; that these men had apparently had a meeting at the White House and no one called me and told me about a meeting at the White House prior to them coming over to me. That is one of the things.

Senator BAKER. You are talking about the Helms meeting?

Mr. GRAY. Yes, on the 23d.

Senator BAKER. Let's move off that for a moment. I would like to, if we have time, examine some of the other of the 27 areas of disagreement, but I have a number of other things.

On page 4 of your statement, Mr. Gray, if I read it and understand it correctly, it clearly indicates that you initiated the inquiry about a possible CIA involvement before anyone else mentioned it to you. Is that a correct reading of that?

Mr. GRAY. What language are you referring to?

Senator BAKER. The third paragraph of page 4, where it says on Thursday, June 22, after being briefed by Charles Bates, assistant, General Investigative Division, regarding the latest development in the Watergate case, undoubtedly as a result of information developed at that briefing, I telephoned Director Helms of the CIA and told him of our thinking that we may be poking into a CIA operation and asked if he could confirm or deny this. Now the question really is whether or not anyone from the White House or the Justice Department or any place else had suggested to you that there might be a CIA involvement and you should check on it at that point.

Mr. GRAY. At that point, no, sir; that was one of the theories that we developed ourselves within the FBI because of the people who were involved in the Watergate burglary.

Senator BAKER. The people involved having been formally associated with CIA?

Mr. GRAY. Yes, sir; having CIA contacts.

Senator BAKER. How fast did you find out, how quickly did you learn that these people were involved with the CIA at sometime previous, and I believe at the time in question Mr. Hunt was still involved on a consulting basis, how soon did the FBI know that?

Mr. GRAY. That we didn't know but I have exhibits here of my early briefings which I have submitted to the committee which indicate that as of June 21 and June 22 it appeared to us in our discussions that there could be a CIA operation involved.

Senator BAKER. Pretty clearly at that part of your statement on page 4 when you talked to Director Helms, I take it that this was the first time you talked at the time about this subject, Helms says, "No, we aren't involved, we don't have any CIA involvement."

Mr. GRAY. He told me there was no CIA involvement.

Senator BAKER. How do you reconcile that, if you do, with the Walters statement on page 6 saying that on Friday, June 23, Walters informed you that you were likely to "uncover some CIA assets or sources if we continued our investigation in the Mexican money change."

To me that is a conflict in the statements by Mr. Helms and General Walters.

Mr. GRAY. Indeed it is a conflict and I viewed it as a conflict and I attributed it to what we later discussed in our meetings in the FBI on June 28 and July 3 to the compartmentalization which is alleged to exist within the CIA. Whether it exists or not I don't know and I don't know whether any people in the FBI know as a fact whether it exists or not and whether the right hand always knows what the left hand is doing.

Senator BAKER. At this point, June 23, 1972, had anyone from the White House or outside the FBI tried to suggest to you that there was CIA involvement?

Mr. GRAY. On June, prior to this meeting, on June 23?

Senator BAKER. Yes.

Mr. GRAY. Yes, sir; Mr. Dean had either in that evening meeting of June 22 or in the telephone call on the morning of June 23 and I said to him if there is CIA involvement let the CIA tell us.

Senator BAKER. All right, now, the reason for these questions I hope has begun to appear to you. The allegation is made in a legitimate area of inquiry to decide whether or not the White House or anyone connected with the White House or the CRP tried to plant the idea that the CIA was involved and to what extent, if any, CIA or anyone in the CIA tried to further that appearance.

Mr. GRAY. That is right, Senator.

Senator BAKER. When you called Helms, Helms said no, there is no involvement. You talked to Dean, Dean suggested there might be. Then you talked to Walters and Walters said you very well may uncover a CIA operation.

Is that in essence what happened up to this point?

Mr. GRAY. That is right, with the one exception that I told Mr. Dean that if there is CIA involvement you let them tell us.

Senator BAKER. So Mr. Dean and General Walters were suggesting to you that there was CIA involvement. Director Helms had already told you there wasn't CIA involvement.

Mr. GRAY. That is right, sir.

Senator BAKER. It appears on page 13 of your statement, Mr. Gray, that Director Helms called you and I don't see the date, and I don't have it in my notes, but at one point Director Helms called you and asked you not to interview active CIA men Carl Wagner and John Caswell.

Mr. GRAY. Yes, that was in a telephone conversation, Senator Baker, I believe, which occurred on June 28, I am sure it was.

Senator BAKER. Do you know why Helms called you, were you in fact investigating these people or had you notified them you wanted to interview them?

Mr. GRAY. I did not notify Director Helms that we were going to interview either one of these men, sir.

Senator BAKER. Did you know that you were going to?

Mr. GRAY. I did not at the time he called me, I did not know.

Senator BAKER. Did you since learn your agents were about to do that and that triggered Helms' interest?

Mr. GRAY. I am saying after Director Helms called, I accepted his word and I immediately ordered that the interviews of John Caswell and Carl Wagner be held in abeyance.

Senator BAKER. You indicate that, but what I am reaching for is why Helms called you. He received notice that you might do that. What was the reason for him trying to suggest that you not interview these two men?

Mr. GRAY. Senator Baker, I do not know but I know that I also have a telephone note in November which indicates that Director Helms had called my No. 2 man stating to my No. 2 man at that late date he, Director Helms, was going to call Assistant Attorney General Petersen regarding the interview of Carl Wagner to see if it could not be conducted. I do not know.

Senator BAKER. Could not be conducted?

Mr. GRAY. To be held off.

Senator BAKER. Do you know who these two people are, did you then or have you since learned?

Mr. GRAY. I do not know who John Caswell is and I have since learned of Mr. Wagner and I believe I am correct in saying this, because I have learned it from the newspapers, I believe, that he was General Cushman's executive assistant.

Senator BAKER. Was he General Cushman's executive assistant at that time?

Mr. GRAY. I do not now.

Senator BAKER. Do you know whether either of these names show up in conjunction with the Watergate affair?

Mr. GRAY. Yes, sir, I have since learned those names, I believe I am correct in saying this, I know I am correct in saying it with regard to Caswell, I believe I am correct in saying it with regard to Wagner, that those names were in one of the notebooks, little pocket telephone address-type notebooks that we uncovered, and I believe that it was Mr. Hunt's notebook but that would have to be subject to verification; I am not that positive of it.

Senator BAKER. Do you know who has custody of that material now?

Mr. GRAY. No, sir, I would assume the FBI does because those leads were sent out from the Washington field office.

Senator BAKER. Did you inquire of Director Helms why he did not want Wagner and Caswell interviewed?

Mr. GRAY. No, sir, I did not. In dealing with people from the CIA I did not ask the questions along those lines. I accepted what they told me.

Senator BAKER. On page 14 of your statement, and you may have already covered this in earlier testimony, you mentioned Miss Kathleen Chenow and a request by John Dean she not be interviewed or that she be interviewed in England. Do you know who she is or what her connection with the situation is?

Mr. GRAY. I believe he told me she worked on the NSC staff and I have since found out that Miss Chenow was Mr. Young's secretary, I believe I am correct in stating that.

Senator BAKER. We are running out of time, Mr. Gray, let me ask you one or two other questions, if I may.

On page 20 I guess you come close to summing up your state of mind about the CIA situation when you say that you were concerned and disturbed about the contradictory reports you were receiving from Helms, from Dean, from Walters, and the abrupt cancellation by Ehrlichman of the meeting scheduled with Helms and Walters on June 28.

Now, did you develop in the course of your investigation any further information that would bear on any of these questions, first, that this was connected with the CIA, that is, the Watergate situation, or, second, that it was not and someone was trying to use the appearance and identification of past CIA operations as a convenient hook on which to hang their hat or, third, any other reconciliation of those concerns and contradictions?

Mr. GRAY. Well, after I ordered the interviews following that meeting with General Walters, we did determine that these were contribu-



tions, political contributions and this was a political contribution chain rather than a CIA money chain.

Senator BAKER. But at any event to tie it together, Helms throughout told you there was no CIA involvement. Walters at some point said, yes, there was, or there might be. Dean said, yes there was, or there might be. The meeting to reconcile those conflicts was canceled and that is as far as you can go with it.

Mr. GRAY. That's as far as I can go with it except for our June 28 meeting with Mr. Felt and Mr. Bates and myself to review this, my July 3 meeting with Mr. Felt, Mr. Bates and Mr. Kunkel to review the CIA ramifications.

Senator BAKER. On another subject, Mr. Gray. I have before me a copy of the August issue of the Armed Forces Journal International and in that is an interesting article which is copyrighted by that publication, authorized by James W. McCord, Jr., entitled "What the FBI Almost Found."

Do you have that article or have you read it?

Mr. GRAY. It has been called to my attention, Senator Baker, and I—

Senator BAKER. Mr. Chairman, I have a copy of that article and I would ask that it be identified for the record and received as a part of the record and then deliver a copy of it to the witness.

Senator ERVIN. If there is no objection, that will be done.

[The article referred to was marked exhibit No. 141.\*]

Senator BAKER. Is someone taking a copy to the witness? Do you have the document?

Mr. SACHS. We had one but—

Senator BAKER. I just handed it to somebody. What happened to it?

I would especially call your attention, Mr. Gray, to a paragraph near the end of the article—it is the fifth from the last paragraph. It is a short three-line paragraph that says: "The question then is who kept the wraps on the FBI in its investigation of the Watergate case," and Mr. McCord in his article, and this is the first of a three-part series, and I look forward to receiving the next succeeding installments, but the suggestion is made that in the normal and ordinary course of events search warrants would have been sworn out and executed to search the vehicles and premises of the people involved in the Watergate arrest, and none were, suggesting that someone stopped that normal procedure from operating, that had they done that, they would have found, in McCord's residence and his automobile electronic equipment, they would have found \$18,000 in \$100 bills, carbon copies of wiretap logs and a copy of a letter signed by John Mitchell authorizing McCord to go to the Internal Security Division of the Department of Justice to obtain information regarding violence allegedly planned for the Republican National Convention.

He suggests as well that as he puts it, "senior personnel of the FBI wanted to get such search warrants but they were turned down."

Now, there are a number of other statements by Mr. McCord, who, as you know, has been a witness before this committee.

Now, if those allegations are in fact true, they bear and merit the very close scrutiny of this committee. Begin at the beginning. Was

\*See p. 3848.

there in fact suppression of the efforts of "senior FBI personnel" to gain search warrants to search the premises of the Watergate defendants?

Mr. GRAY. I testified this morning, Senator Baker, that I thought Mr. McCord was being very unfair to the dedicated men and women of the Federal Bureau of Investigation and I will make that statement to you again, sir, because those men and women would not tolerate suppression, and furthermore, I know of no such suppression of any desires to get a search warrant, and I would like to read, if I may, from an exhibit which is before this committee. I would like to read the language of some of the FBI men themselves.

Observations as to any limitations on investigation. It is the unanimous view of Assistant Director Bates, his No. 1 man, Richard R. Gallagher, Section Chief Charles Bolz, and Supervisor Charles A. Huzum and John J. Clynick as well as A. C. Kunkel of the Washington field office that there were absolutely no limitations placed on the FBI's investigation of captioned matter—

This is the Watergate case—

It was understood by all personnel involved in this investigation that it was to be a most thorough and exhaustive investigation with all leads receiving top priority and sufficient personnel assigned to assure prompt handling of all investigations. Our investigation throughout has been aimed at developing violations of the Interception of Communications and Conspiracy statutes. Investigation was directed toward identifying each participant in the bugging, including identification of those who may have recruited the subjects, financed the operation or participated in any fashion. In this connection we were particularly interested in funds that may have been used to finance the Watergate incident.

Senator BAKER. Thank you, Mr. Gray.

Mr. GRAY. And I just say, Senator Baker, that this question was raised again later on in the year and there is a document before this committee, an exhibit before this committee which I have presented to it, that the agents were not restricted in pursuing any lead which they wished to pursue with the one exception of Mr. Wagner.

Senator BAKER. My time has expired, Mr. Gray, but I cannot resist a last final question.

On page 11 of your statement you speak of trying to gain assistance in identifying an individual who had been seen with Mr. Hunt at the Miami Playboy Club. Did you ever find out who that was?

Mr. GRAY. Yes, sir, indeed we did. We were able to track down and identify that individual as Mr. Liddy who was under the alias at that time of Mr. Leonard. We tied him together with his alias as of July 3d.

Senator BAKER. The statement just sort of stands out. I do not understand the significance of it. Is there any?

Mr. GRAY. No, sir, there is not. That was a telephone call that I was merely recounting, a call that I had with John Dean in which I asked him for some photographs to assist the Washington field office in making identification.

Senator BAKER. Thank you very much.

Senator ERVIN. Senator Weicker.

Senator WEICKER. Mr. Gray, I would like to go back, if I can, to late June and ending with the call to the President on July 6. What was the significance to the FBI of the Mexican money?

Mr. GRAY. Well, the significance to us, sir, was that it was either—at that time in our theories that it was either a CIA money chain or a political money chain and it was important to us to try to track it

down and determine what it was, whether it was dollars used to finance the burglary and the bugging of the Watergate.

Senator WEICKER. And did—in the course of the investigation, did you arrive at a determination as to which of those two——

Mr. GRAY. Yes, sir. We were able to determine that indeed, it was a political money chain as we were calling it in the FBI. Political contributions, Senator Weicker.

Senator WEICKER. Was this Mexican money one of the few pieces of hard evidence that the FBI had at that time?

Mr. GRAY. At that early stage it was. It was not—I believe I am correct in saying—until June 28 that we had the lead to Mr. Liddy, but I believe it was at that early stage, sir.

Senator WEICKER. So that the Mexican money was—could be termed as enormously important to the investigation of the Watergate?

Mr. GRAY. It was the only money chain that we had right at that point in time, sir.

Senator WEICKER. All right.

Now, at what point in time did your antennas alert you to the fact that somebody might be trying to interfere with the investigation?

Mr. GRAY. I think that I had perhaps a feeling along those lines or a feeling that somebody at the White House knows a lot more than we know, beginning when my meeting with Mr. Helms was canceled, but it was a feeling then that maybe this is an activity on the part of people to put some kind of cloak on the political contribution aspects of the thing, but the suspicions really began to generate along those lines rather solidly when I had the meeting with General Walters.

Senator WEICKER. This being what meeting, the——

Mr. GRAY. The July 6 meeting, sir.

Senator WEICKER. The July 6 meeting.

All right. Now, Mr. Gray, the question has been asked, it has been debated, as to what it was that you intended to convey to the President of the United States on July 6. Now, could you tell this committee what it was that you intended to convey in that phone conversation?

Mr. GRAY. I had no knowledge of any attempt at a coverup at that point in time. There is no question about that. I had no knowledge of, no suspicion of, or no awareness of, and I was trying to tell the President that I believed Dick Walters believed that people on his staff were using the FBI and the CIA to confuse the question of whether or not there was CIA interest in or noninterest in people that we wanted to interview, and it could very well have been the activity on the part of overzealous individuals over there to protect the President. I said trying to mortally wound the President.

Senator WEICKER. Was it a question or did you attempt to convey that insofar as the investigation of the Mexican money was concerned, that there were those that were trying to impede the investigation?

Mr. GRAY. No, sir. I do not think I even—I am sure I did not mention the Mexican money chain to the President.

Senator WEICKER. Well, then, let us—I am trying to pin this down and be very specific as to exactly what message you conveyed to the President. Did you try to convey the fact that you felt there were those individuals on his staff who were impeding in any way the investigation of the Watergate matter, without reference to the Mexican money?

Mr. GRAY. I think probably what was going through my mind was the careless and indifferent attitude toward both of the agencies and their use of them, and it was with reference to what money that we believed—I did not say money to the President but I had this in my mind, that it was either a CIA money chain or a political money chain, but I felt that by their actions of trying to confuse us, that they would be mortally wounding the President.

Senator WEICKER. By this time, by July 6, had you made the determination that this was a political money chain rather than a CIA money chain?

Mr. GRAY. No, sir, because we had not really conducted the interviews. We had to await the interviews of the individuals concerned.

Senator WEICKER. All right.

Now, let us continue on that phone conversation with the President. Did you in that phone conversation suggest to the President that the matter of Watergate might lead higher?

Mr. GRAY. No, sir. To the best of my recollection, the words that I have been using consistently or the words that stick in my mind are the words that have always been in my mind and the only other thing that I did say to the President was that I have just spoken to Clark MacGregor about this this morning and asked him to talk with you about it, Mr. President, and there was a slight pause and then the President said to me, Pat, you continue to conduct your thorough and aggressive investigation.

Senator WEICKER. Did you raise to the President the fact that you and Dick Walters were concerned or was this a question from the President to you?

Mr. GRAY. No, sir; this was a question, really it was a matter that I raised and I didn't really from my meeting with General Walters draw the feeling that I had to call the President and indeed and in fact that is why I called Clark MacGregor and I was surprised that the President called me and I just blurted out to him when he finished congratulating me on the highjacking, I just blurted out to him, Mr. President, there is something that I have to speak to you about.

Senator WEICKER. And then what did you say?

Mr. GRAY. I gave him the message, Dick Walters and I feel that there are people on your staff who are trying to mortally wound you by using the FBI and the CIA to confuse the question of whether or not there is CIA interest in or noninterest in people that the FBI wishes to interview.

Senator WEICKER. Did you get into a discussion with him relative to your being given assurances that the CIA was not involved?

Mr. GRAY. No, sir; the President, as best as I can recollect it, did not ask me any questions because if he had I would have suspected that he would have asked me who do you mean and I would have told him.

Senator WEICKER. Well, now, Mr. Gray, I want to read to you a statement made by the President of the United States on May 22, 1973:

On July 6, 1972, I telephoned the Acting Director of the FBI, L. Patrick Gray, to congratulate him on his successful handling of the hijacking of a Pacific Southwest Airline plane the previous day. During the conversation Mr. Gray discussed with me the progress of the Watergate investigation and I asked him whether he had talked with General Walters. Mr. Gray said that he had and that General Walters had assured him the CIA was not involved. In the discussion Mr. Gray suggested that the matter of Watergate might lead higher. I told him to press ahead with his investigation.

Now, you have characterized or you set your description of this conversation alongside that of General Walters and you said that you will stick with your version of the conversation.

Mr. GRAY. Yes, sir.

Senator WEICKER. Will you also stick with your version of the conversation set aside that version given by the President of the United States on May 22?

Mr. GRAY. Yes, sir; because this is my memory and my best recollection and it is a memory I have had for a long, long time.

The only thing I was interested in, Senator Weicker, in talking with General Walters on this July 5 telephone conversation, was Ogarrio and Dahlberg. I just wanted to know if they had any interest in them or not so that we could interview them and I told him that. I wasn't interested in anything else. I wasn't interested in reading a 2¾-page memorandum about previous information furnished at the working level from the CIA to the FBI. I just wanted the answer to that question.

Senator WEICKER. One last question in this round.

Do I have any time left?

When was the first time that you realized—I had it written down a certain way and I realized that could be misconstrued. I had, when was the first time you started to realize you were “swinging.” That could be interpreted both ways.

When was the first time that you realized that you were hanging, twisting slowly in the wind?

Mr. GRAY. I think perhaps, Senator Weicker, the first time I realized this and realized I was in a situation where I was going to have to scramble to extricate myself was really either in my April 25 conversation with you, but I think more the point was really made with me on the evening of April 26 in the meeting in the Attorney General's office when I had the conversation with Assistant Attorney General Petersen.

Senator WEICKER. And this relates to Mr. Petersen's statement relative to you and he being expendable?

Mr. GRAY. Yes, he said, “Pat, I am scared.”

Senator WEICKER. As to the interpretations coming forth from the White House, whether or not you had resigned or whether you had been kicked out, did that start to reaffirm or strengthen those suspicions?

Mr. GRAY. I do not know that I really thought of it that way, I just thought of it as a very unfair way to handle a factual situation that was different.

Senator WEICKER. I have no further questions on this round.

Senator ERVIN. Senator Talmadge.

Senator TALMADGE. Captain Gray, in your previous testimony you stated that you conferred with Mr. Dean on June 21 last year. There were many theories as to who was responsible for the break-in in Watergate and almost all of them involved the CIA. When did you check out the theory of the Committee for the Re-Election of the President involvement?

Mr. GRAY. I think that that was encompassed, Senator Talmadge, in the theory that we had that this was a political operation, we did not think it was just the CIA, sir.

Senator TALMADGE. Did you interview the officials of the Committee To Re-Elect the President?

Mr. GRAY. Yes, we interviewed, if my memory is correct, 60 people over there.

Senator TALMADGE. When?

Mr. GRAY. We have a list of those interviews and we have placed it as an exhibit before the committee, sir, but I can—

Senator TALMADGE. When did they start?

Mr. GRAY. I will have to look.

Senator TALMADGE. Certainly.

Mr. GRAY. We began, sir, on June 17. Miss Gleason was one interviewed, and I noticed some earlier ones here. Mr. Odle was interviewed, on June 19. These were contacts. These could either be an interview or a telephone contact by us to them or them to us.

Senator TALMADGE. Did you investigate the possibility of White House involvement?

Mr. GRAY. Yes, sir, we did and we interviewed people in the White House and I believe the very first interview there was Mr. Colson—no, it was earlier than that—we talked with, I think, Mr. Butterfield on June 17. We talked with him regarding—

Senator TALMADGE. Was that a full field investigation or just a telephone friendly chat?

Mr. GRAY. No, sir, that particular call was to call Mr. Butterfield to determine whether or not Mr. Hunt was in the employ of the White House, sir.

Senator TALMADGE. Getting back to the papers now that Mr. Ehrlichman and Mr. Dean delivered to you, did you not think it was strange that top secret papers would be in the hands of White House adversaries and that they would tell you, the Acting Director of the FBI, a supposedly nonpolitical organization, not to let them see the light of day because they were political dynamite?

Mr. GRAY. Senator Talmadge, I have got to say to you that at the time that I received those, the answer to your question has got to be no, because I did not have those kind of suspicions.

Senator TALMADGE. You did not think your office as Director of the FBI was an extension of the White House, did you?

Mr. GRAY. No, sir, I did not. I had only been in the FBI, really actively on duty there and when this whole thing broke, you know, about 4 weeks. I am not trying to make an exculpatory statement because I have told this committee earlier that I stand responsible for my actions and the actions of the men and women under my command during my tenure as acting director and I am merely trying to recite, as a fact, those suspicions did not enter my mind and I have not been that kind of a person in all of my life. I have not been suspicious of people. I have not lived nor was I raised or brought up with or served with people that I had to be suspicious of. Looking back on it is another matter, sir.

Senator TALMADGE. You stated that you opened one of the files in your home in Connecticut at Christmas, saw that it implicated officials of the Kennedy administration in the assassination of President Diem, and had no doubt, no reason to doubt the authenticity of the papers, then you burned them. Why didn't you show them to the President?

Mr. GRAY. Those were copies of documents and the thought never entered my mind I should show them to the President. If the President needed any knowledge along those lines I am sure that Mr. Dean or Mr. Ehrlichman either would have or could have conveyed it to him, but the thought had not entered my mind.

Senator TALMADGE. Did it ever cross your mind if these documents were indeed authentic that it might throw a new light on the assassination of President Kennedy; that is, retaliatory action?

Mr. GRAY. No, sir; I never gave that a thought and you know even in looking back on it and analyzing it, these were copies of documents, these were not the originals of the documents.

Senator TALMADGE. Now after Mr. Dean and Mr. Ehrlichman's actions which prompted you to call the President and inform him that he was being mortally wounded, did you begin investigations into Mr. Dean's and Mr. Ehrlichman's possible role in the break-in?

Mr. GRAY. No, sir; no one of us did and when I didn't hear from the President those suspicions that I had as I testified to earlier were dissipated and I really and sincerely believed that General Walters and I had been alarmists and that is why I testified, I think—

Senator TALMADGE. In other words, you thought if the President had no suspicions that your suspicions were ill-founded, is that correct?

Mr. GRAY. Senator, I certainly thought that in view of the message that I had given to the President that if there were anything to it there would have been some checks made on it and each of the following two successive meetings I had with General Walters I asked him if the President had called him and his answer in each case was no, except that on one occasion, as I recollect, he said, yes, he did call me but on a different matter.

Senator TALMADGE. Now one final question. I read one sentence from the President's statement. "In the discussion Mr. Gray suggested that the matter of Watergate might lead high." I am quoting from the President of the United States in his statement. Your testimony was some members of his staff might mortally wound him. Did the President ask who?

Mr. GRAY. No, sir; he did not.

Senator TALMADGE. He did not?

Mr. GRAY. No, sir.

Senator TALMADGE. Thank you, Captain Gray.

Mr. Chairman, I yield the floor.

Senator ERVIN. Senator Gurney.

Senator GURNEY. Mr. Gray, just to follow up on the questioning that Senator Talmadge was doing. In retrospect it occurs to all of us it was rather strange that your suspicions perhaps weren't heightened, but isn't it a fact that even in Washington, and I guess probably elsewhere in the country, around about that time in June that this break-in occurred, thought that this was a crazy, hairbrained scheme that was done by some stupid fool and ended probably with Hunt and Liddy. Wasn't that the general feeling around Washington?

Mr. GRAY. It appeared to be from the reports; it appeared to be from the discussions that we had within the Federal Bureau of Investigation and even in my first conversation with Director Helms he said to me we can't figure this one out. And even in a conversation that I

had with Mr. Petersen on the 2d day of June, he said to me that we are at sixes and sevens, we can't figure this one out, the most we will get is IOC, intercept communications violations or burglary. Yes, we were groping in those days. We were looking, we were seeking, and there was plenty of activity, there were more leads really than we could follow out and people were working literally around the clock, Senator Gurney, to try to put this all together.

Senator GURNEY. Now, my own recollection is that anybody I talked to during this period simply dismissed it out of hand, that anybody in high authority could have had anything to do with this hairbrained scheme.

Mr. GRAY. Senator Gurney, I would say to you that even during the discussions that we had in the Federal Bureau of Investigation during my confirmation hearings, that we still felt, and we made these statements at the luncheon table—these are luncheons at which would be the senior men of the FBI present—that they disbelieved and these men were far too intelligent to have any part in this kind of a sordid affair, and this indeed was a frame of mind. I do not know how prevalent it was and I can only testify really, as to my knowledge of it.

Senator GURNEY. Well, I am only testifying as to what I know and people I talked to. It certainly was my own feeling.

Just one or two final questions here because I think we certainly have probed about everything that you could—light you could shed on this. I do recall that when you had your first meeting with John Dean on this Watergate matter you said you discussed several theories. We have talked about a couple of them here, of course, the CIA theory, that somebody at the Committee To Re-Elect was responsible, as indeed it turned out that two were. But you also mentioned a theory of double agent.

Mr. GRAY. Yes, sir.

Senator GURNEY. Did you ever explore that theory and did you ever run anything to the ground about that and why did you think it might be a double agent?

Mr. GRAY. We, in the FBI, thought it might be a double agent because of the replacement of the tapes, and we did everything we could to try to run that into the ground, and when I say replacement of the tapes, Senator Gurney, I mean the replacement of the tapes on the door locks in the Watergate that it just seemed to us that people who are breaking and entering are not going to come back and find the tapes on the locks removed and just willy-nilly put other tapes on there and then go about their business. We were unable to develop anything along those lines at all, sir.

Senator GURNEY. Did you not get any kind of a hint at all from any investigation that it might have been that?

Mr. GRAY. No, sir, we did not.

Senator GURNEY. Did you ever determine in your investigation of the actual mechanics of the break-in whose decision it was to leave the tapes on the door? On the doors?

Mr. GRAY. Senator Gurney, I have to be honest with you and say I just do not remember and I have not got an FD 302 to refer to so I could answer your question, sir. I just do not know.



Senator GURNEY. What about the Attorney General's role in all of this? Of course, he really is your immediate boss at the Justice Department. What did he tell you or not tell you to do as far as this FBI investigation of Watergate was concerned?

Mr. GRAY. He placed no restrictions on me whatsoever, Senator Gurney, and in the very—the very first telephone conversation that I had with him on this which is also an exhibit before the committee, he agreed with us that this should be a vigorous and a thorough investigation and he stated that it was a matter for the investigators, the prosecutors, and courts, and I believe really, that whatever information he had of substance on the investigation came through the Department of Justice side, through the Criminal Division side, because he and I had no talks of substance regarding this particular investigation.

Senator GURNEY. There has been some question, I am sure you know, about whether Mr. Dean conducted an investigation or not. His testimony was that he was greatly surprised when the President of the United States on August 29 said in a public statement that Mr. Dean has conducted a thorough investigation, paraphrasing the words here now, and found no one involved at the White House. In your many conversations with him during this period of time, what did you think Mr. Dean was doing?

Mr. GRAY. I believed that he was conducting an investigation and I believed that he was reporting to the President because he told me he was and I believed that even as late as November he was looking into the relationships of Segretti and Strachan and Chapin and I just believed that he was conducting an investigation.

Senator GURNEY. Then, from what you knew of your own knowledge as to what he was doing with your many contacts, the statement made by the President of the United States on August 29 that he was conducting an investigation did not surprise you at all, did it?

Mr. GRAY. Did not surprise me because I believed him to be conducting an investigation.

Senator GURNEY. I do not have any further questions, Mr. Chairman.

Yes, I do. Just one other question.

There is another fact that turned up here. In February apparently Dean contacted the CIA and asked them to retrieve their files on—I cannot think whether it was Watergate or the Ellsberg thing. Anyway, those materials that Hunt borrowed from the FBI, the Hunt files. Did Dean ever contact you with regard to this?

Mr. GRAY. No, sir. We did not have, I am assuming the particular file that is being referred to because this is a file that was delivered to the Department of Justice at the request of the Attorney General and the Assistant Attorney, Criminal Division, and to the best of my knowledge, we did not have this file unless some of the material referred to in that file was delivered at the working level from the Director of Security at CIA to the Alexandria field office agents who were liaison with the CIA. I know that from the newspaper accounts which I read about long after I left the FBI that there were alleged to be some pictures in there of, I forget who the individual was, either Hunt or Liddy, standing in front of Dr. Fielding's office, Dr. Fielding

being the psychiatrist for Dr. Ellsberg, I believe, and I know that I did not at any time see any such pictures and I do not know that anyone in the FBI ever saw any such pictures.

Senator GURNEY. At any rate, there was no contact with you or anyone in the FBI to your knowledge, by Mr. Dean on this?

Mr. GRAY. No, sir.

Senator GURNEY. That is all, Mr. Chairman.

Senator ERVIN. Senator Inouye.

Senator INOUE. Thank you.

Mr. Gray, this morning you testified that on June 28 when you met with Mr. Ehrlichman and Mr. Dean you were convinced that the message being conveyed was a message from the President as it related to Mr. Hunt's papers. Is that not correct, sir?

Mr. GRAY. Well, that may very well be your interpretation of my answer but we were dealing then in assumptions and I think just so the record is real clear, I could not testify that the President gave them an order to give me those files. No, sir. I testified that they were—that I believed them to be acting under color of their office and in their official capacity. I had no reason not to believe that.

Senator INOUE. How was this meeting arranged, sir?

Mr. GRAY. That meeting was arranged, Senator, to the best of my information, either in that 11:17 a.m. telephone call that morning that I had with Mr. Ehrlichman to discuss the leaks that had been occurring in the first week, the allegations and rumors of leaks coming from the FBI in the first week of that investigation, or it was arranged between my secretary and Mr. Ehrlichman's secretary.

Senator INOUE. And where was this meeting held, sir?

Mr. GRAY. This meeting was held in Mr. Ehrlichman's office at the White House, sir.

Senator INOUE. So on June 28 you had no reason to be suspicious of either Mr. Dean or Mr. Ehrlichman?

Mr. GRAY. None whatsoever, sir.

Senator INOUE. And you felt that the request being made was not improper, illegal, or unprofessional, or unethical?

Mr. GRAY. No, sir; I did not.

Senator INOUE. But then, by July 6, because of intervening activities, you got suspicious?

Mr. GRAY. I got suspicious when I saw General Walters lean back in that red overstuffed chair of mine in my office and put his hands behind his head and say, I have an inheritance, I am not worried about my pension any more, and I am not going to let those kids kick me around. That, coupled with his preoccupation in that meeting with his inability to deliver me a letter that would tell me that the CIA had an interest in Ogarrio and Dahlberg and if he were directed to write such a letter, that he—

Senator INOUE. And so—

Mr. GRAY. That he would have to talk to the President.

Senator INOUE. You felt compelled to call upon Mr. MacGregor and the President of the United States to—

Mr. GRAY. Yes, sir, Senator, I did. I called Mr. MacGregor and I did not call the President because as I testified earlier, I did not feel that I had that much to go direct to him. You know, it is a pretty awesome thing to call the President of the United States, but I had

enough, I felt, that the message should be given to the President and I was indeed surprised when the President called me, and when I heard nothing further on this, and repeatedly asked General Walters if the President had talked with him about this, I felt that he and I were—I do not think we were goof-offs but I think we were alarmists, that we had seen things that were not there.

Senator INOUE. But at that moment didn't you get a bit suspicious about the Hunt files?

Mr. GRAY. No, sir, I did not. I didn't even think of that. You know, the Hunt files to me—when I took them they were non-Watergate. They weren't on my mind day and night, Senator. I was a pretty busy guy working 18 to 20 hours a day on that job and I wasn't, you know, thinking about those two files all the time. Perhaps I should have been but I wasn't.

Senator INOUE. Did you believe that Mr. Dean and Mr. Ehrlichman in trying to involve the CIA were doing so with the color of authority?

Mr. GRAY. I certainly did. I had no other alternative but to believe that.

Senator INOUE. If that is the case, why did you call the President on July 6 to say that you are being mortally wounded? If this was—

Mr. GRAY. Because I felt from talking with General Walters that he was going to be asked to write me a letter saying that there was CIA interest in Ogarrio and Dahlberg and I should not interview these two gentlemen. And that is the reason. It was his fear of a future act and that is why I said, "Trying to mortally wound you."

Senator INOUE. And this future act was an act on the part of these two men or did you believe that it came with the color of authority?

Mr. GRAY. I believed that he was going to be directed by someone—he didn't specify who. The only inkling I got was "These kids" and I drew from that my own interpretation to be John Dean, with whom I had been dealing and talking about the CIA, and John Ehrlichman who had caused me to cancel my meeting with Mr. Helms and General Walters.

Senator INOUE. When did you interview Mr. Dean and Mr. Ehrlichman?

Mr. GRAY. Mr. Dean was never interviewed because quite frankly, Senator, I believe everyone in the FBI thought he was on our side. We were working with him on a practically almost daily basis.

Senator INOUE. Even if he was about to mortally wound the President you felt he was on your side?

Mr. GRAY. We kept working with him and when the President did not respond in any way and when the concerns that I had with regard to any interference on the part of the CIA were removed, I had no suspicions, and as I told you earlier, I felt that I was an alarmist and that General Walters and I were both alarmists.

Senator INOUE. When did you suspect that Mr. Dean got off your team?

Mr. GRAY. Sir?

Senator INOUE. When did you believe that Mr. Dean got off your team?

Mr. GRAY. The first indication, Senator Inouye, that I had, certain, was the morning—and I believe very definitely it was a Monday, March 26, when two of my staff came in to me with regard to an article that had appeared that weekend in, I believe it was the Los Angeles Times concerning allegations that Mr. McCord was making concerning Mr. Dean and Mr. Magruder, I believe.

Senator INOUE. And up until then you felt that Mr. Dean was not in any way involved in any improper activity?

Mr. GRAY. No, sir. And we—this was a matter that we discussed in the FBI at these luncheons that I have previously testified to, and I would meet and have lunch with members of my personal staff and the various assistant directors of the FBI.

Senator INOUE. When did you interview Mr. Ehrlichman?

Mr. GRAY. I don't know the exact date. I think it was about the middle of July, though, sir, about the 14th of July if my memory—

Senator INOUE. This is after the meeting you held with Mr. Walters?

Mr. GRAY. Yes, sir.

Senator INOUE. What sort of interview was this?

Mr. GRAY. I don't know, sir, because it was conducted by the agents.

Senator INOUE. Did you see a report on this interview?

Mr. GRAY. I probably did but I can't recall the FD 302, sir. I don't have it available to me.

Senator INOUE. Didn't you consider the interview of the second-most important man in the White House staff important enough for your personal involvement?

Mr. GRAY. Well—

Senator INOUE. At least reading the report?

Mr. GRAY. Oh, yes; I am sure I read the report, Senator Inouye, but I read quite a bit of reports, you know, teletypes and papers. It was a known fact in the Federal Bureau of Investigation when I went home every evening I had four briefcases with me. When I went on my trips to the field offices I had four briefcases with me. And when I went to Connecticut on weekends I had four briefcases with me. There was an awful lot of paper that flowed across my desk. I am sure that I read this report of interviews, Senator. But I cannot recall it.

Senator INOUE. When did you become a member of the Justice Department?

Mr. GRAY. I think I moved into the Civil Division on December 7, 1970, and I was sworn in on December 14. I am not sure of the dates but that is very close.

Senator INOUE. During that time, from 1970 until your service as Acting Director of the FBI, were you required to handle classified material?

Mr. GRAY. Very little of it, sir.

Senator INOUE. As Acting Director of the FBI were you required to handle classified material?

Mr. GRAY. One of the strange things I found out about the FBI was that the FBI did not stamp things secret, top secret, and confidential to any great extent. Most of our paper is not stamped in that manner. Some of it was, however, but a very, very small portion of it.

Senator INOUE. I ask this because I found it rather strange your voluntarily telling us that under your desk you had two waste-paper—

Mr. GRAY. Baskets.

Senator INOUE. Receptacles.

Mr. GRAY. Yes.

Senator INOUE. Painted red.

Mr. GRAY. Yes, sir.

Senator INOUE. And you didn't know that this was the burn basket?

Mr. GRAY. Absolutely not. Another thing I can tell you, Senator Inoue, I didn't know until March of 1973, that daily logs were kept as they were kept in my telephone room. These were details that I just didn't concern myself with. I was concerning myself I thought with an awful lot more important items really.

Senator INOUE. Did you have a shredding machine in your office?

Mr. GRAY. I do not know, sir, I could not answer that question.

Senator INOUE. You were in charge of the Nation's most important criminal investigation division. Did you have any criminal law experience, sir?

Mr. GRAY. Not as a practitioner of criminal law except with regard to general courts-martial in the Armed Forces of the United States.

Also, Senator Inoue, if I might say, the FBI was involved with more than just criminal law. As you know, we had an intelligence function, too, and I know you are aware of that.

Senator INOUE. When these papers were given to you for this ultimate destruction, with your criminal law background, didn't it ever occur to you that you might have been called upon to obstruct justice?

Mr. GRAY. No, sir; it did not occur to me at all because I had no reason to believe that I was engaged in any such act. I do not believe so today and I know that that material at least that I saw was certainly non-Watergate evidence.

Senator INOUE. When did it occur to you as Acting FBI Director that papers were destroyed in the FBI? You said you didn't know that the cans were for burning.

Did it ever occur to you that the FBI would destroy any papers or did you feel that every piece of paper that came in to the FBI was kept at all times?

Mr. GRAY. No, I think that I probably had the thought that paper was destroyed but I can't say as a fact that it was. I don't know as a fact that it was.

Senator INOUE. The only document that you have ever destroyed as Acting Director of the FBI were those two Howard Hunt files?

Mr. GRAY. Oh, I would sit at my desk and tear up little telephone notes and things like that.

Senator INOUE. I am not talking about that, I am talking about classified material. Burned or shredded.

Mr. GRAY. No, I did not.

Senator INOUE. I have just been notified that my time is up, sir.

Thank you very much.

Senator ERVIN. Senator Montoya.

Senator MONTROYA. Mr. Gray, this morning under examination by Mr. Edmisten you responded that you had approximately 60 leads with respect to the CRP. That is correct, isn't it?

Mr. GRAY. Yes, sir. I don't know, Senator Montoya, in the interest of accuracy I would have classified them as leads. I would classify them as interviews or contacts there. This is using the verbiage of the FBI.

Senator MONTROYA. How do you develop those lead and what do they mean?

Mr. GRAY. These leads are developed by the agents working the case at the case agent level in conjunction with all of the agents and in conjunction with the field supervisor, their supervising that particular case, and sometimes in conjunction with the special agent in charge of the field division. They develop them and they say these are people we ought to interview because there has to be a logical reason.

Senator MONTROYA. How did you develop the leads with respect to the White House people?

Mr. GRAY. I don't know exactly how they were developed but I would rather suspect that they stem from the fact when we first found out that Howard Hunt was employed there we wanted to find out who employed him and then go talk to that individual to find out for what purpose he was employed and what were his duties.

Senator MONTROYA. You called Mr. Butterfield. Did he give you 20 names?

Mr. GRAY. No, sir; I think that my recollection now, Senator Montoya, is he told us that Mr. Colson had engaged Mr. Hunt's services. I am relying heavily on my memory now and the best evidence of this would be the FD-302 itself.

Senator MONTROYA. Going back to Mr. Dean and his calls to you, how many times would you say that Mr. Dean called you to tell you not to pursue the planned interview with Mr. Ogarrio and Mr. Dahlberg between June 22 and July 6?

Mr. GRAY. I don't know, I haven't totaled those up and I would say, perhaps just a guess, half a dozen times that that was discussed and that request was made and was made indeed on June 29 after we had already ordered, after I had already ordered the interviews on the evening of June 28.

Senator MONTROYA. And how many times did Mr. Helms tell you that there was no CIA involvement?

Mr. GRAY. Mr. Helms didn't tell me that in that specific manner except for the June 22 conversation because my other conversations with him were directed to asking him a specific question. For example, the conversations I had with him on the 27th where I asked him specifically does the CIA have an interest in Manuel Ogarrio and he said, "I will have to check and call you back," and he called me back that afternoon and he said, "No, we don't have an interest in Manuel Ogarrio."

Senator MONTROYA. How many staff meetings did you have with Mr. Bates and Mr. Felt between June 22 and July 6 when you called Mr. MacGregor?

Mr. GRAY. On the CIA ramifications we met on June 28, the three of us, and then on July 3 I called a meeting of myself, Mr. Bates, Mr.

Felt, and Mr. Kunkel, the special agent in charge of the Washington field office.

Senator MONTROYA. Did you get any other briefings as to the state of the investigation that was going on from other people in the FBI during those meetings, or at any other meetings?

Mr. GRAY. Not——

Senator MONTROYA. Between those dates——

Mr. GRAY. No, sir; I don't recall any at all.

Senator MONTROYA. How were you keeping up with the state of the investigation?

Mr. GRAY. In that period of time there were these initial briefings that I had that I have previously testified to and then we have covered the June 28 and the July 3 meetings that I had and then there were the teletypes that were flowing across my desk all the time during this period.

Senator MONTROYA. Didn't you think that Mr. Dean was being too persistent in his request that you not pursue the interview with Mr. Ogarrio and Mr. Dahlberg?

Mr. GRAY. No, I didn't think that he was being too persistent. I thought he was being, I would have to say now, zealous in it but at the time under the circumstances existing with the confusion of the interest in or noninterest in, no, I didn't——

Senator MONTROYA. Well, he even continued to request that you not pursue this interview-interrogation even after you had told him that the CIA had assured you that there was no danger of involving CIA in Mexico, isn't that correct?

Mr. GRAY. That is correct. On June 29, to the best of my recollection and certainly the conclusion that I had to draw from that, that there was information possessed in the White House that was not possessed by either the FBI or CIA.

Senator MONTROYA. You were talking to two very knowledgeable men, Mr. Felt and Mr. Bates, with respect to investigations. They were briefing you and you were going over the state of the investigation and the progress made therein.

Now, didn't it ever occur to you or to them, or to all of you collectively, that the Dean persistence was actually a design to cover up something with respect to this investigation?

Mr. GRAY. No, sir, it did not, and I think the reason it didn't is that we were investigating one small facet which in our mind was either going to turn out to be a CIA money chain or political contribution money chain, so I can truthfully say we didn't get that excited about it except to say that these leads were going to be covered eventually and we did continue to work those leads with the sole exception of interviewing the individuals concerned, sir.

Senator MONTROYA. Then what was the basis for your concluding with General Walters that the President was about to be victimized or that he might be mortally wounded?

Mr. GRAY. Because General Walters conveyed to me the very clear impression that he was going to be directed to write a letter to me that would say that there was CIA interest in, say, Manuel Ogarrio and Mr. Dahlberg. That was his preoccupation and that was when he would discuss with me and did discuss with me the fact that he was

going to resign, he would ask to see the President, that this would be a great disservice to the President, that this would be injurious to both of our institutions.

Senator MONTOKA. Then on July 6 you did call Mr. MacGregor at 10:51 a.m. and received a call from the President at 11:28 a.m.

Mr. GRAY. Yes, sir.

Senator MONTOKA. Very soon thereafter.

Mr. GRAY. Yes, sir.

Senator MONTOKA. Didn't this trigger some curiosity in your mind?

Mr. GRAY. I was surprised, Senator Montoya, to receive the call that quickly and the question indeed has been asked me, do I think there is any tie-in? I don't know, I really don't, I don't know whether Mr. MacGregor spoke to the President or whether he did not speak to the President.

Senator MONTOKA. Then, did you in view of the closeness of the two telephone calls, did you think of calling Mr. MacGregor to ascertain whether or not he had called the President?

Mr. GRAY. No, sir, I did not because I felt and believed that if there were anything to the substance of my report that I would hear further from it and questions would be asked and no questions were asked and, in fact, General Walters was not even called.

Senator MONTOKA. Weren't you interested in finding out what the reaction of the President was if Mr. MacGregor had told him about your message?

Mr. GRAY. Well, I may very well have been interested but I am not going to go bang on the President's door and demand a reply. I felt I had given the Chief Executive Officer of the Nation the information that I ought to give him and, you know, I was really surprised because I was going, Senator Montoya, I will tell you quite frankly I was going to leave it there with Clark MacGregor, I didn't feel I had absolutely enough—

Senator MONTOKA. Why did you select Mr. MacGregor as the messenger to carry on your message, why didn't you call the President yourself?

Mr. GRAY. Because I didn't feel I had enough to call the President myself and one does not call the President without giving it some due consideration and even when I did talk with him I blurted the words right out.

Senator MONTOKA. But you had a feeling at that point that the President was being victimized or that he might be mortally wounded.

Mr. GRAY. That if General Walters were directed to write such a letter, yes, sir.

Senator MONTOKA. Now, why didn't you go to Mr. Kleindienst, or did you?

Mr. GRAY. No, I don't believe that I reported this to Mr. Kleindienst at all because I looked upon it as my responsibility to handle this.

Senator MONTOKA. Did you ever report any part of this investigation or the results thereof to Mr. Kleindienst at any stage between June 22 and say April 1, 1973?

Mr. GRAY. No, I didn't Senator, in the form of substance because that just isn't the way it is done within the Department of Justice. The Attorney General works with the Assistant Attorney General in



charge of the Criminal Division. The Attorney General could have called me at any time and said I want this or I want that from you. He didn't.

Senator MONTAÑA. Thank you very much. My time has expired.

Senator ERVIN. During the Judiciary hearing on your nomination, you contacted John Ehrlichman daily, didn't you, by telephone?

Mr. GRAY. Sir?

Senator ERVIN. During the time the Senate Judiciary Committee was passing on your nomination to be Director of the FBI, you had daily conversations by telephone with John Ehrlichman.

Mr. GRAY. Mr. Chairman, I don't know whether they were daily or not but whatever my logs show in that regard that—

Senator ERVIN. You have a copy of the tape of Mr. Ehrlichman of March 7 or 8, 1973?

Mr. GRAY. I have Tuesday, March 6, 1973, Mr. Ehrlichman called me at 6:34 p.m. that evening.

Senator ERVIN. Now, you were very much concerned that it might come out in the Judiciary Committee hearings that the contents of Hunt's safe were delivered, a part of them were delivered at one time to agents of the FBI other than yourself and that these two envelopes were delivered to you yourself at another time?

Mr. GRAY. I do not know that I was concerned. The message—if you are referring to that telephone call, the message that I was giving him then in that March 6 telephone call did not have to do with the contents of—

Senator ERVIN. I am asking about the next one. In other words, it says "another thing"—now, this is you talking to Ehrlichman—"another thing I want to talk to you about is that I am being pushed awfully hard in certain areas and I am not giving an inch and you know those areas and I think you have got to tell John Wesley"—a good Methodist name—"John Dean to stand awfully tight in the saddle and be very careful about what he says and to be absolutely certain that he knows his own mind, that he delivered everything he had to the FBI and do not make any distinction between, but that he delivered everything he had to the FBI."

Now, that was in effect asking John Ehrlichman to tell John Dean in case he testified before the Judiciary Committee that he must say that everything was delivered to the FBI at one time.

Mr. GRAY. Senator Ervin, what I was telling Mr. Ehrlichman there was told to him on the evening of March 6 because—

Senator ERVIN. Yes.

Mr. GRAY. It is not March 7 or 8 because that is the day on which we received a letter from the ACLU and what I was—I can pin it down with that because the language of mine is right there with reference to the letter that was delivered on that day and that call was in the evening of March 6.

Senator ERVIN. Well—

Mr. GRAY. In the areas, Mr. Chairman—Mr. Chairman, if I may, the areas I was being pushed awfully hard in were the fact that I had given to Mr. Dean reports of FBI interviews and had permitted Mr. Dean to sit in on FBI interviews.

Senator ERVIN. Well, the interpretation I place on this is that you were asking John Ehrlichman to tell John Wesley Dean to be careful

what he said and to say that all of these things that came out, all the contents of Hunt's safe were delivered to FBI agents at one time instead of some of them being delivered to the agents and the other being delivered to the Acting Director?

Mr. GRAY. That is correct, and, Mr. Chairman, let me say that the message I gave to Mr. Ehrlichman was to tell John Dean to shut up but was not certainly a message to tell him that if asked under oath that he could not testify because I had previously spoken to John Dean on this very subject and had asked him if he had told Henry Petersen everything about those very same files that he had told me.

Senator ERVIN. Well, John Ehrlichman said, "right," in reply to your statement?

Mr. GRAY. I do not know what that means, sir.

Senator ERVIN. Well, you asked him to tell John Dean to say that all of the contents of the safe were delivered to the FBI at one time instead of part of them being delivered to the agents and others being delivered to you.

Mr. GRAY. I was telling John Ehrlichman to tell John Dean to shut up unless he told the real facts about it, no question about that.

Senator ERVIN. And at the top of the next page it states "and he"—that is Dean—"delivered it to those agents. This is absolutely imperative."

Mr. GRAY. That is correct. I told him that to distinguish between the Watergate evidence and the non-Watergate evidence as they told me.

Senator ERVIN. And Ehrlichman says, "All right." And this bugging that John Ehrlichman did shows that he called Dean and he told Dean that you had called him and that you had said to him, Ehrlichman, to make sure that old John W. Dean stays very firm and steady on his story that he delivered every document to the FBI and that he does not start making nice distinctions between agents and directors?

Mr. GRAY. Yes, sir, I did.

Senator ERVIN. And then Ehrlichman asked Dean, why did you call me, that is, why did you call him—"to cover his tracks?" And Dean says, "yeah, sure. I laid this on him yesterday."

"Ehrlichman. Oh, I see. OK."

Now, as a matter of fact, is not the interpretation of that transaction that you called Ehrlichman and asked him to see that Dean said, whenever he talked, that all of the contents of Hunt's safe had been delivered to the FBI at one time, to the agents rather than part to the agents and part to the Director?

Mr. GRAY. I think you have got to put that in the proper context, Mr. Chairman. I had just had a call the day before from John Dean regarding this in which I went into it chapter and verse with him because he had told Henry Petersen of the delivery of these two files to me and I had asked John Dean if you, John, have told Henry everything you told me about those files, that they were non-Watergate evidence, non-Watergate-related, should clearly not be permitted to see the light of day, were political dynamite. So this has got to be put in that proper context but there is no question about it that in that telephone call I was saying to John Ehrlichman to tell John Dean to shut up because he was making nice distinctions there that those two did not make with me at all. My assumption was that they had

delivered all of the Watergate evidence that was in Mr. Hunt's files to the Agency.

Senator ERVIN. It seems to me this is a very simple proposition. Is this not it in its sense, that you asked John Ehrlichman to see that Dean refrain from telling the truth about this and tell on the contrary that all of them were delivered to the FBI at one time and John Ehrlichman agreed to do that and to call Dean and repeat your request to him?

Mr. GRAY. Certainly, that was not my understanding of the call. They cannot tell me one thing, Mr. Chairman, you know, and then tell another thing. I certainly told—I do not make any bones about it. I told John Ehrlichman to tell John Dean to shut up.

Senator ERVIN. Yes.

Mr. GRAY. But just the day before——

Senator ERVIN. Mr. Gray——

Mr. GRAY. I told——

Senator ERVIN. Is it not the interpretation to be placed on this that you were asking Ehrlichman to tell John Dean not to tell the truth about how some of them got to you and some of them to the agents of the FBI?

Mr. GRAY. No, sir, because——

Senator ERVIN. Well, I do not believe I will question further. Just let the record show that the two tapes from John Ehrlichman—well, the recording, I believe, instead of bugging, two recordings of John Ehrlichman of his conversations be put in the record at this point unless somebody else interprets it.

Now, this was thought to be a sort of ordinary burglary at first and then it came out that one of the burglars was the chief security officer of the Committee To Re-Elect the President. Then in a short time it was discovered that a White House consultant who then had an office in the White House was implicated, and that the chief counsel of the Stans' committee, Finance Committee To Re-Elect the President, was also implicated, did it not?

Mr. GRAY. Yes, sir, that is right.

Senator ERVIN. So it came out while the burglary might have been ordinary, the burglars were extraordinary [laughter]. And a short time after that you found the FBI investigations got a lead indicating that some political money was possibly involved in the form of four Mexican checks and the Dahlberg check, a total of \$114,000.

Mr. GRAY. That is correct, sir. We found those early in the investigation in the Republic National Bank.

Senator ERVIN. And after you started working on that you got a phone call from John Ehrlichman informing you that John Dean was interested in the White House in connection with the FBI and the CIA.

Mr. GRAY. I do not—Mr. Chairman, I am not sure whether you are referring to the first telephone conversation——

Senator ERVIN. Yes.

Mr. GRAY. I had with—from Mr. Ehrlichman on June 21.

Senator ERVIN. I do not know whether it was the first one but the time he called you up and told you that John Dean was representing the White House in this investigation.

Mr. GRAY. That was the very first day that I was back from my trip to the west coast. That was on June 21 that he informed me that John Dean would be conducting the official inquiry for the White House.

Senator ERVIN. Now, after that time you either had the communications in person or by telephone with John Dean according to your logs as follows:

June 21, three communications. June 22, five communications. June 27, two communications. June 28, two communications. July 3, 3 communications, and July 5, 4 communications, making a total of 26 communications between you and Dean from June 21 to July 5.

Mr. GRAY. Yes, sir. That is probably correct. I have not added them up.

Senator ERVIN. And John Dean kept suggesting that if the investigation led to this political money, that it might impinge upon CIA activities?

Mr. GRAY. Well, he did not characterize it as political money at all, Mr. Chairman. He told me that there was definitely a CIA interest in these two gentlemen.

Senator ERVIN. And then General Walters, who has testified that before he went to see you he went to the White House and talked to Ehrlichman and Haldeman about this and was asked to convey a message to you to the effect that there might be CIA involvement, General Walters came down and told you there might be CIA involvement.

Mr. GRAY. Yes, sir. That was on June 23.

Senator ERVIN. Did you construe all of these communications you had as an effort on the part of John Dean to slow down or end the investigation into the Mexican checks and the Dahlberg check?

Mr. GRAY. Well, I continued the peripheral investigation, as I have previously stated, Mr. Chairman, but there is no question about it, that there was a temporary delay encountered in interviewing Mr. Ogarrio and Mr. Dahlberg. No question about it.

Senator ERVIN. Well, did you draw the inference from all of these contacts with John Dean that he was trying to persuade the FBI to lay off of the investigation of these checks and assigning as a reason for it that it might impinge on the CIA?

Mr. GRAY. Yes, sir. That is what was happening.

Senator ERVIN. And wasn't that the reason that you thought that one of the aides was mortally wounding the President?

Mr. GRAY. Well, coupled with General Walters' statement to me at least three times during my July 6 meeting, if he were directed to write such a letter to me saying that there was CIA interest, and coupled with Mr. Ehrlichman's cancellation of the meeting that I had scheduled on June 28, the answer is "Yes", sir.

Senator ERVIN. So isn't it somewhat difficult to reconcile your statement that you thought that John Dean was mortally wounding the President with the idea that he was acting above reproach until you discovered to the contrary next March?

Can you reconcile those two ideas?

Mr. GRAY. Yes, because, you know, after I talked with the President, Mr. Chairman, I felt surely that General Walters and I were alarmists and that what we had believed to be so was not so.

Senator ERVIN. I have used up my time but if the committee will spare me about 2 or 3 more minutes I will subside for the rest of the day.

On July 6, rather, General Walters and you talked, and you agreed that the way that they were trying to slow down or stifle the investigation into these Mexican checks and Dahlberg checks might do infinite harm to the President.

Mr. GRAY. I agreed with General Walters that if he were directed to write such a letter, this could be mortally wounding to the President and when General Walters got up to leave after putting his hands behind his head and saying to me, I have an inheritance, I am not concerned about my pension any more, I am not going to let these kids kick me around, we discussed whether or not the President should be called. And I don't know whether it was I who first mentioned it or whether it was General Walters who first mentioned it.

Senator ERVIN. But you did both agree that the President ought to be notified, didn't you?

Mr. GRAY. Yes, sir, we did.

Senator ERVIN. And so you first called Clark MacGregor and you indicated to him that you thought something was wrong and then you got the call from the President?

Mr. GRAY. Yes, sir, I did.

Senator ERVIN. And you told the President in that call that some of his aides were wounding him mortally?

Mr. GRAY. Yes, sir. I said Dick Walters and I believe that some people on your staff are trying to mortally wound you.

Senator ERVIN. Yes, and when you gave that information to the President, didn't you expect the President to ask you who it was that was wounding him mortally and how they were wounding him mortally?

Mr. GRAY. I blurted this message out to the President with great fear and trepidation and I did expect that the President would ask me a question.

Senator ERVIN. And the President asked no questions at all?

Mr. GRAY. No, sir, he did not. He merely told me—when I said to him—I gave him that message and then I said I have just spoken to Clark MacGregor and I have asked him to speak with you, Mr. President.

Senator ERVIN. And you say you worried about the matter for 2 or 3 weeks, that you got no questions from the President, did you?

Mr. GRAY. Mr. Chairman, I don't think I testified that I worried about it. I checked with General Walters on the meeting of September 12 and on the meeting of—I mean, July 12 and July 28 to see if the President had called him. I was interested—

Senator ERVIN. You were concerned about it?

Mr. GRAY. I was interested to know, yes, sir.

Senator ERVIN. During that time did you consider any of the old ancient adages which say there is none so blind as he who will not see and none so deaf as he who will not hear?

Mr. GRAY. No, I don't think I did, Mr. Chairman.

Senator ERVIN. Well, in view of your testimony here, just for your consolation, the 15th chapter of Psalms talks about the people, the kinds of people that are going to dwell in the holy hill of the Lord and it says among those that he who sweareth to his own hurt, changes not, and I would say that you might lay claim to that lesson because of the testimony you have given before the committee here.

Mr. GRAY. Thank you, Mr. Chairman.

May I just make an observation, sir. On the very first Sunday that I went to Mass after being appointed Acting Director of the Federal Bureau of Investigation, the lesson of the Mass, and the little leaflet that was passed out at Mass, was the story of Job, and for some strange reason I put that in my briefcase and I have kept it there ever since. [Laughter.]

Senator ERVIN. Senator Baker.

Please do not laugh any more than you have to [laughter].

Senator BAKER. Mr. Chairman, I have found that I can contend with one sermon at a time but to have both the chairman and the witness is almost more than I can bear, but I am sure my soul is salved and improved by the example.

Did you ever tape your telephone conversations or your conversations in your office?

Mr. GRAY. No, sir; I never did.

Senator BAKER. Was it ever done for you?

Mr. GRAY. To the best of my knowledge, information, and belief, this was never done and I saw no reason to do it.

Senator BAKER. In light of the McCord article, which after all lay pretty strong charges against the nature and quality of the FBI investigation of the Watergate, in light of that article, if we chose to look into the matter and interviewed the senior and principal agents and others who were actually involved in the investigation, could you tell us who we ought to talk to?

Mr. GRAY. Yes, sir; I could and I think I would refer you also, Senator Baker, to exhibits before this committee, Nos. 76, 77, 134, and 181.

Senator BAKER. What do they—

Mr. GRAY. They set forth the language of the men of the FBI, the intensity, the figure of this investigation and its aggressive approach, and as I have testified earlier, I think Mr. McCord is being very unfair in his allegations toward the very dedicated men and women of the Federal Bureau of Investigation.

Senator BAKER. Of course, much of the testimony, Mr. Gray, by many witnesses would be characterized as unfair by one party or the other depending upon the point of view. But are you in a position to supply us with the names of all of those officials of the FBI who participated?

Mr. GRAY. Yes, sir; they are on those exhibits, they do give the names, they list them all out, and I think I could remember most of them right now if you wanted me to testify to them into the record.

Senator BAKER. No; I don't but I wish you would, if you don't mind, compile a list so we don't have to comb through the exhibits of every person in the FBI who had some part in the investigation of the Watergate episode and submit it as an exhibit, if there is no objection.

Mr. GRAY. I would and I would also direct your attention—

Senator ERVIN. That is to be printed in the record when received.

Senator BAKER. Mr. Chairman, I would like to ask that staff receive that exhibit and include that in the range of their investigatory responsibility to look into and interview with those FBI people.

Senator ERVIN. Yes.

MR. SACHS. Excuse me, Mr. Vice Chairman. I am not sure that it is within the power of or ability of Mr. Gray or myself to come up with the names of all of the agents—Mr. Gray no longer is working there—who were involved in the Watergate investigation. What Mr. Gray had reference to, Mr. Vice Chairman, is those copies of documents which he does have in his possession. I can tell you that one effort that we have made to learn for our own purposes, for preparation purposes, information from the FBI in recent weeks has been denied us. I am not complaining about that but I am explaining I frankly think it is an impossibility for Mr. Gray to come up with all of the names that your question seems to assume. We will do the best we can.

Senator BAKER. That is all I can ask you to do.

MR. GRAY. Did you want me to get every agent? There are 343 of them. The exhibit I referred to are the key agents, the case agent in charge of the case in the Washington field office and then the field supervisors and special agent in charge of the Washington field office.

Senator BAKER. Let me put it this way. I really don't know what I want. I don't suppose we are going to interview or investigate all 343 agents but we might, but what I am interested in is information we can derive by interviewing FBI personnel bearing on the allegations made by Mr. McCord in his article which says senior personnel of the FBI sought search warrants and were turned down, and other matters and charges and allegations that are made in that article. That is really what I am after.

Any other names you can supply us that you think would be helpful in testing the quality of the investigation, and the enthusiasm and the thoroughness of the investigation, will be helpful, but I have to yield to your superior judgment in that respect. Obviously I am not calling on you to give us exact details because you are not in a position to do so at this point, but you are in a far better position than I am. If you do your best in that respect I would appreciate it.

The last thing I want to ask you, there has been a lot of talk about the FBI being demoralized, a lot of talk about the quality of the investigation, as I have indicated, the McCord article aside, there has been a good bit of speculation about how thorough and how probing it was.

To make a long story short, the FBI is sort of in a tough spot. It has been an elite organization enjoying a superb reputation and I think it is still a great organization and will continue to be.

I would like to ask this: It seems to me that the thought begins to emerge that maybe there is something about the nature and the relationships of the FBI to other branches of Government and particularly to the Justice Department and the White House that don't necessarily make it the best possible agency for the investigation of alleged political activity of this type.

Now, before I ask the question I want to tell you in advance I have a deep and abiding distrust of a Federal police system. I would be greatly shocked and surprised if this country ever came to a Federal police force.

Do you have any thoughts you can give this committee on how the FBI might be structured vis-a-vis being an arm and part of the Justice Department or not, or whether it should or should not be the

chief investigatory arm for things of that type? Surely you have better insight into that than I do but can you comment on the nature of the FBI, its future role and how it might relate to political controversy?

Mr. GRAY. Well, this is a very difficult question to answer because I found in some of my research that there has never been a situation like this that the FBI has been confronted with. Watergate was unique.

I would like, if I might, Senator Baker, to say to you that the reports that I get are that the morale in the FBI is high, that the FBI is not demoralized, and even letters that I get today from some of the street agents who still write to me indicate this. I don't feel that morale has been hurt at all. What has happened has been that an acting director had to leave, he had to leave proudly but with a broken heart, and I think the agents feel that, too, and I don't think their morale has been hurt a bit. It was a very difficult investigation, I am sure, for those men even on the street as some of the exhibits before this committee will attest to.

For example, where one of our special agents was accused by two newspaper reporters as being the source of their story, a very controversial and very inflammatory story, he got himself right in the jaws and it so happened that that same special agent I defended rather vigorously in connection with the interview of Mrs. Mitchell. I wasn't going to let that agent down but he did say to Mr. Mitchell, all right, Mr. Mitchell, if you tell me so that is good enough for me. It is this type of thing. I think perhaps those street agents in this kind of situation may very well have been overawed by the individuals with whom they had to come in contact in the course of their interviews and they may not have asked as tough questions as we might have wished them to do, yet I had a report from them that they had asked those tough questions. But they are good men and strong men and well-trained men and they are dedicated men and devoted to this country and I don't know that putting them in an independent agency would create a national police force. I think with the proper individual selected to head that agency and with the idealism and with the love for this country that is so necessary I think that it could safely be done and removed completely from the political wars, but there is no question about it that with us being within the Department of Justice we were right in the matrix of politics, no question about it.

Senator BAKER. Is it a fair inference to draw from your statement that it might be possible to have an independent agency but still retain essentially the same jurisdiction the FBI has today?

Mr. GRAY. Yes, sir; my feeling, even in my confirmation hearings I testified I wanted to work with the Committee on the Judiciary, I wanted to work with an oversight committee and I had talked even with people who heavily criticized the FBI because I wanted their views, I want to know what they thought.

I met with the professors who had the Princeton conference to see what their views were, but I think that with the type of man and woman that serves in the FBI, that legislators could consider the idea of an independent agency operating under an oversight committee without fear of the creation of a national police force. This became a bugaboo. I didn't see any evidence at all in the year that I, almost the



year I had in the Federal Bureau of Investigation, of any tendency toward a national police force, I saw just the opposite.

Senator BAKER. Well, Mr. Gray, I think that is very helpful and I am sure we will have an opportunity to discuss that both in the public forum and private conversations as legislators in the future, but I think your suggestions are well taken and I think they will in fact be taken into account.

Thank you, sir.

Senator ERVIN. Senator Weicker.

Senator WEICKER. Now, Mr. Gray, this is the end so far as my questioning is concerned, but there is one loose end I think I want to pursue.

This morning I read to you the President's statement of April 30 wherein he says:

As a result on March 21 I personally assumed the responsibility for coordinating intensive new inquiries into the matter and I personally ordered those conducting the investigations to get all of the facts and to report them directly to me right here in this office.

I asked you whether or not you had received such an order from the President at that time and you indicated "No."

Mr. GRAY. That is correct, Senator Weicker.

Senator WEICKER. Now, just so if any responses come in the future from various and sundry parties that we put them in the proper context, it could be interpreted the reason why you received no such order was a lack of confidence in you. It could be interpreted that way. I am not saying that is the case but it could be interpreted that way.

Do you have any knowledge that there was a lack of confidence, a lack of faith in you at this time, March 21, on the part of the President of the United States?

Mr. GRAY. No, sir. As a matter of fact, I received a call from the President on March 23 wherein, among other things, he told me there would always be a place for me in the Nixon administration.

Senator WEICKER. Now, I would like to get to the one lost end here. You had another conversation with the President of the United States, as I understand it, on April 5. Could you recount to this committee the nature of that phone conversation?

In order that we might shorten up here, as I understand it, on April 4, it was suggested to you, and you may want to make further comment, you withdrew your nomination on that day or the next day. On April 5, it was indicated to you by the Attorney General, Mr. Kleindienst, that you would be allowed to withdraw your name and that the White House was expecting a call. So with that background, if you want to add to that background, please do.

Mr. GRAY. I called the President that evening after I had met with the assistant directors of the FBI at 5 p.m., to tell them I was going to request the President to withdraw my nomination. And I called the President and I told him that it was obvious that I did not have the votes and that the nomination would not come out of the committee and I thought that the best thing that I could do would be to request him to withdraw my nomination and he told me that this was a, and these are not his exact words, I know that, but the thought is here, that this was a bitter thing to have happened to me, there will be an-

other time to fight our enemies, and he again said, "I am quite positive there will be a place for you in the Nixon administration," and I believe that I read to him my letter requesting that my nomination be withdrawn in which I said to him that I would be perfectly willing to serve should it be his desire until my successor would be named and confirmed and the President said to me, "I will want you to do just that." And I did; I remained there until April 26, April 27, actually.

Senator WEICKER. So that at least insofar as up to April 5 was concerned you had firsthand knowledge expressed, firsthand knowledge of the President's confidence in you insofar as the President himself expressed it to you?

Mr. GRAY. Yes, sir; because I am quite certain I read to him that paragraph in my letter where I said I would remain "should you desire until a successor is nominated and confirmed."

Senator WEICKER. Now, lastly, Mr. Gray, as far as I am concerned, this trail started with a phone call to me from you on April 17 in the morning around 9 o'clock, where you indicated that the lid was going to blow off—and starting at that moment in time through our meetings on the 25th, 26th, and subsequent days, slowly but surely you told a complete story to me, to the committee staff, and to the committee and I believe here to this committee today.

And probably nobody has more right to wonder why the story was so slow in coming, and in some instances was incorrect, than I have because you told it to me first. But I think at least I would like to go on record in saying that at each point along the way more truth came from you, earlier, even though it might not have been the whole truth, more truth came out earlier than from any other person that I encountered in this town. I think a good example of that, because I do want to try to relate something in the peoples' mind that happened right here before this committee. We all talk about the July 6 phone conversation with the President. I remember hearing that at 7:30 in the morning on the morning of May 10, General Walters, of course, gave it in testimony before, I believe, the Armed Services Committee on May 18. The first we learned from the President was on May 22. I just use that as a simple example to the many matters that you and I discussed.

So certainly, I for one, am deeply appreciative of what must have been a very difficult role and nobody is exonerating anybody else, and you have admitted to this committee yourself as to the burdens that you have to bear. But at least, as an end to my particular questioning, I notice that a minute ago you commented maybe the agents were overawed by those they had to go ahead and interview. Of course, I suppose my question to you, Pat, is; were you overawed by the men, the institution of Government that you worked for?

Mr. GRAY. I do not know that I was overawed but I certainly had a very—well, the only way to classify it—deep and abiding respect built up over the years for the Office of the Presidency and knowing and feeling in my own mind that no matter who comes into that Office he always rises to the burdens of that Office and that the individuals in it, in my judgment and in my book, have always been above and beyond reproach and perhaps with that in mind, Senator Weicker, you could say yes, that I was overawed, but I believed and I trusted and I think I had every reason to believe and to trust and at no time did I ever

consider that I was dealing with individuals who were trying to sweep me into the very conspiracy that I had the responsibility of investigating. That is a madman's horror and I just did not have that feeling.

Senator WEICKER. I have no further questions, Mr. Chairman.

Senator ERVIN. Senator Inouye.

Senator INOUE. Mr. Gray, you have testified that on April 27 of this year, Mr. Petersen said that you and he were expendable and Mr. Ehrlichman and Mr. Haldeman were not.

Mr. GRAY. Senator Inouye, I think that was the evening of April 26 in the little office off of the Attorney General's larger private office. Yes, sir; he did say that to me.

Senator INOUE. Did you agree with this observation?

Mr. GRAY. No, sir. I was sitting—I was sitting in the overstuffed chair and I remained sitting there as Mr. Petersen paced up and down and he said to me, "I am scared, Pat," and I said, "Why?" he said, "Because I believe that you and I are expendable and Haldeman and Ehrlichman are not" and I still stayed in the chair and I said, "Do you think I should get a lawyer?" and he said, "Yes, I do," and then I did get up out of the chair.

Senator INOUE. Is it your testimony that you agreed with Mr. Petersen's observation?

Mr. GRAY. I couldn't agree with it because I had no basis on which to agree with it.

Senator INOUE. Then why did you seek advice of counsel?

Mr. GRAY. Because I valued Mr. Petersen's opinion.

Senator INOUE. But you didn't agree with him?

Mr. GRAY. I didn't agree with him in the sense that he and I were expendable and Haldeman and Ehrlichman were not. But I agreed with him, certainly. As I have testified earlier, it appeared to me that I was—I was going to have to scramble to extricate myself.

Senator INOUE. Extricate yourself from what?

Mr. GRAY. From the situation in which I found myself at this point in time.

Senator INOUE. Was that necessary? You have testified that all your activities as far as you were concerned were legal and proper and ethical.

Mr. GRAY. That is correct, but when the Assistant Attorney General in charge of the Criminal Division tells me that he and I are expendable, you know it is a prudent thing to do to look to your defenses and keep your powder dry, Senator Inouye.

Senator INOUE. In response to Senator Baker's questions you indicated that the FBI, because of its involvement with the Justice Department, was in the matrix of political activity in Washington. Am I correctly quoting you, sir?

Mr. GRAY. I don't know whether I said the matrix of political activity but certainly in a political matrix, there is no question about it.

Senator INOUE. In the fall of 1972, during the Presidential campaign, you were reported to have made several speeches and some have suggested that these were politically inspired. Is it your belief that these were justified and nonpolitical speeches?

Mr. GRAY. Senator Inouye, I have testified that I believed that I went out to talk about the FBI and to talk about America which I

love very, very deeply. This is my country and I was talking about that country because there were lots of people who were knocking this country and I was talking about this country of ours.

In fact, Senator, I was told by the Attorney General that there were people at the White House who were complaining that I was making too many speeches and the knothead that I am, believing as deeply as I believed in my country and not believing at all that these could be taken as political speeches, I said I am jolly well going to continue to make those speeches in behalf of my country.

Now other men will differ with me and they have, sir, but this was what was in my heart, in my mind in making those speeches.

Senator INOUE. You have indicated that you were convinced that the FBI made a very thorough investigation of the Watergate incident and you cited the fact that 60 employees or staff personnel of the Committee To Re-Elect the President were interviewed by your agents. Is that correct, sir?

Mr. GRAY. That is only one of the facts that I cited, Senator, and that was in response to a direct question from one of the members of the committee as to how many employees of the Committee To Re-Elect—but that is not the basis on which I reach my judgment that the investigation was thorough and aggressive. That is just one series of leads that were pursued, sir.

Senator INOUE. In September of 1972, a nonoperating bug was discovered in the Democratic National Committee office, I believe in the phone belonging to Mr. Spence Oliver. We have received reports that the FBI conducted 80 interviews with DNC and McGovern campaign committee personnel for that little unoperating bug. Is that correct, sir?

Mr. GRAY. I do not know the number that we conducted, sir, but I know that the assistant U.S. attorney was very insistent that that be wrung out very thoroughly because the contention was made that this bug had been there all the time and had been one that had been missed in the initial search back on June 17, 1972, by the telephone company and the FBI. But I do not know how many people we interviewed, sir, and I did not order us to interview 10, 20, 190, or whatever, Senator. Those leads, Senator, are originated and generated and set out down at the case agent level. The Acting Director of the FBI, Patrick Gray, did not order a number of interviews, sir, at the Democratic National Committee headquarters.

Senator INOUE. Was there any suggestion that the Democrats had planted the bug themselves to further embarrass the administration?

Mr. GRAY. I do not know that there was any suggestion of that at all, sir. I did not hear it, I did not make it or anything like that.

Senator INOUE. This is as far as your relationship with Mr. Dean is concerned. First, Mr. Dean requested destruction of certain classified documents. These are the Hunt papers. Then he suggested improperly, as you have testified, to the involvement of the CIA in the Watergate incident and then, he suggested that Mr. Ogarrio and Mr. Dahlberg not be questioned and as a result, the interviews were delayed.

Then, all of the White House interviews, the interviews of White House personnel, were being monitored by Mr. Dean. But you have indicated that none of these events caused you to be suspicious of Mr. Dean. Is that—

Mr. GRAY. No, sir; I did not. I did not because he is there as the—sitting there as counsel to the President and if I may, Senator Inouye, he did not request that these documents be destroyed. I think my statement quite clearly stated that it is true that I did not get a direct order. This was my impression of the conversations, that I drew from it the clear impression that this was what was——

Senator INOUE. There was a message there.

Mr. GRAY. Yes; that this was what was going to be done, that this is what Gray should do, but in all fairness and honesty, they did not give me a direct order. They did not say, "Pat, destroy these."

Senator INOUE. And without a direct order you destroyed classified information?

Mr. GRAY. The impression that I had was that they should be destroyed, Senator Inouye, and I am just trying to be as honest as I can with you and as clear as I can.

Senator INOUE. As Director of the FBI, did you operate on the basis of impressions?

Mr. GRAY. Well, I think that is too broad and general a question for me to answer with a simple yes or no. This was not just an impression type of situation. I was dealing there with the counsel for the President and with the assistant to the President and what I am saying to you, is to me the clear import of the message was destruction, sir.

Senator INOUE. And you have testified that on April 27 of this year, you for the first time became suspicious of Mr. Dean as a result of an article appearing in the Los Angeles Times. Am I correctly——

Mr. GRAY. No; if I may, Senator, it was March 26 on a Monday when that Los Angeles Times article, I think, of the preceding Sunday was brought to my attention, sir.

Senator INOUE. March 26.

Mr. GRAY. Sir?

Senator INOUE. March 26?

Mr. GRAY. Yes, sir.

Senator INOUE. March 26.

On March 27 an article appeared in the Washington Post and the headline read "Nixon Denies Dean Knew of Bugging".

The article reads:

President Nixon denied today that White House Counsel John Dean, III, had any prior knowledge of the Watergate bugging and said he had "absolute and total confidence in Dean." The President telephoned Dean this morning from his office in Key Biscayne to discuss with him the Los Angeles Times report that Dean and former Presidential Assistant Jeb Stuart Magruder had advance knowledge of the bugging of Democratic Headquarters.

Now, your Commander in Chief had said that Mr. Dean was clear and clean. Did you still believe that Mr. Dean was involved in some way?

Mr. GRAY. No; I think I told—my testimony was, Senator, that this was the first inkling that I had that he could be involved and that this was confirmed for me later on by the telephone calls on the 15th and the subsequent developments.

Senator INOUE. Did the President's statement in any way suggest that you were overly concerned?

Mr. GRAY. That I was overconcerned? No, because I testified that this was the first inkling that I had that he could have been involved

in this. Indeed and in fact, this was subsequently confirmed later on with the telephone conversations of April 15 and the events that have followed, but this was—this was the first glimmer, Senator. That is what I am saying to you. The question was asked me when did I first have an inkling or when did I first become aware of it and I tried to describe it.

Senator INOUE. And did the President's statement raise that inkling?

Mr. GRAY. I do not—you know, I cannot remember back to that particular day and that particular statement to be able to give you a fair description of my state of mind and react to that article and to your question, sir.

Senator INOUE. So up until then you were convinced that Mr. Dean and for that matter Mr. Ehrlichman, or Mr. Mitchell or Mr. Magruder were not involved at all?

Mr. GRAY. That is right, sir, and I was not only convinced but the senior executives of the FBI were. We discussed this. You know, this is not something that we did not discuss. We considered that these people were far too intelligent to be involved in this kind of sordid business. I did regard every other fact.

Senator INOUE. Thank you very much, sir.

Mr. GRAY. Yes, sir.

Senator INOUE. Thank you, Mr. Chairman.

Senator ERVIN. Senator Montoya.

Senator MONTOYA. Mr. Gray, I am going to be very brief with you. I think we have covered almost every phase of your part in the investigation. I want you to know that I have read your statement very carefully, not once, not twice, but three times trying to figure out what motivated you to say in your last sentence, "I shall carry the burden of that act with me always."

Now, this moved me very much and I can appreciate your situation. And I see that throughout your statement—I see a thread of hurt which encompasses a pattern experienced by many others at the White House and at the Committee To Re-Elect the President.

Now, we as human beings cannot help but have compassion and intense feeling brought about by the burning rays of Watergate. Why do you think that the tentacles of Watergate touch so many good people so adversely? Can you explain that to me?

Mr. GRAY. Well, Senator, I would like to say in Spanish to you, if you would not be insulted, "Yo tengo much dolor en mi corazon ahora."

Senator MONTOYA. "I have a lot of hurt in my heart at this time."

Mr. GRAY. Si.

Senator MONTOYA. That is what you said.

Mr. GRAY. Yes, sir; yes, sir.

I said early in the game that I thought that Watergate would prove to be a spreading stain that would tarnish everyone with whom it came in contact and I am no exception. I had a responsibility, Senator Montoya, I believe, not to permit myself to be used, not to permit myself to be deceived, and I failed in that responsibility and I have never failed in anything that I have undertaken until this point in time. And it hurts.

Senator MONTOYA. And many others did, too.

Mr. GRAY. Yes, sir; and they are hurting, too.

Senator MONTROYA. Under similar circumstances.

Mr. GRAY. That is right, and my sympathies go to them.

Senator MONTROYA. In spite of their motivations?

Mr. GRAY. That is correct, sir.

Senator MONTROYA. Thank you very much, sir.

Senator ERVIN. I have no further questions. Senator Baker.

Senator BAKER. I have no questions, thank you, Mr. Chairman.

Senator ERVIN. Senator Weicker.

Senator WEICKER. No.

Senator ERVIN. Senator Inouye.

Senator INOUE. No further questions, sir.

Senator ERVIN. Senator Gurney.

Senator GURNEY. I have no further questions.

Senator ERVIN. Senator Montoya.

Counsel will resume questioning.

Mr. EDMISTEN. Mr. Gray, Mr. Walters turned over some memorandums to you. What were they? And I do not mean the ones that he wrote regarding his account of his conversations with you.

Mr. GRAY. The one that I best recollect is the July 6 memorandum. The July 7 memorandum, I know that I received. I cannot remember whether I received it in an envelope or how I received it from him but I received it from him personally and I know that I wrote at the bottom righthand corner of it, "Received 2:15 p.m., 7-12-72, from L.G.W."—the abbreviation of Lieutenant General Walters.

Mr. EDMISTEN. There are three memorandums.

Mr. GRAY. I think there was another one that was on the July 28 meeting that was an unsigned memorandum.

Mr. EDMISTEN. Let me show you three memorandums. You identify them and I think that will be sufficient.

Mr. GRAY. All right, sir.

Yes. Yes, Mr. Edmisten.

Mr. EDMISTEN. The last one has been identified by the CIA. Do you accept that?

Mr. GRAY. Yes; I will accept their identification, Mr. Edmisten.

Mr. EDMISTEN. I mainly want to get those in the record. Mr. Chairman, if we could admit these memorandums for the record.

[The documents referred to were marked exhibits Nos. 142\*, 143\*\*, and 144\*\*\*.]

Mr. EDMISTEN. At one time during your confirmation hearings you said that you, in concert with Mr. Petersen, determined the scope of the FBI investigation but at the same time, you said that you and your agents were not allowed to follow leads.

Now, I am asking if you can determine the scope, do you not necessarily determine the leads you can follow?

Mr. GRAY. Yes; and that is not exactly a correct answer because the scope of this investigation, as I think the exhibits before this committee will show, is determined by the Department of Justice and I think I can say that without fear of contradiction because there is documentary evidence before this committee of my efforts in October to include political activity within the scope of this investigation. There is also

\*See p. 3850.

\*\*See p. 3853.

\*\*\*See p. 3854.

documentary evidence before this committee of my attempts again in December to include political activity within the scope of this investigation. But the Director of the FBI does not set the scope of the investigation in a situation of this type. We had an intercept of communications investigation and a burglary investigation going and there did come a time when I felt that the activities of Mr. Segretti should be looked into more carefully and I had a memorandum prepared by my Assistant Director in charge of my office, legal counsel, and then we met people—I should say my people from my accounting and fraud section of the General Investigation Division met with Mr. Petersen on this particular subject and at this time Mr. Petersen did not feel that there was sufficient factual evidence on which to go into that area to enlarge——

Mr. EDMISTEN. Mr. Petersen made that determination.

Mr. GRAY. Yes, sir.

Mr. EDMISTEN. You did not?

Mr. GRAY. No, sir. I did not. That is a matter of written record documentation before this committee.

Mr. EDMISTEN. Now, who determines the leads, then? You said you didn't determine the leads. Who determines the leads?

Mr. GRAY. I didn't determine the leads. What I mean by that, the leads are originated and generated at the case agent's level working with the assistant U.S. attorney and in conjunction with the other agents who are working on the case but the Acting Director of the FBI does not determine and set out the leads, sir.

Mr. EDMISTEN. Mr. Gray, you are a lawyer. You know the term we use "making a contemporaneous writing" following a conversation. Did you make any contemporaneous writings following your conversations with Mr. Walters and with others and the President in relation to Mr. Walters' contemporaneous writings?

Mr. GRAY. No, sir; I didn't. Usually I would make brief notes of a conference but mostly I relied upon the documentation that would be within the FBI as revealed by my orders to them, but I did not sit down and scribe out everything that was said at every meeting that I attended. I did not do that.

Mr. EDMISTEN. So you do not have a contemporaneous writing, a memorandum like Mr. Walter does?

Mr. GRAY. Not on the subject of those meetings. I have quite a few notes of telephone calls and what I have I have submitted to this committee. I have submitted everything to this committee and they are among the very first exhibits.

Mr. EDMISTEN. Do you have notes of your telephone call with the President?

Mr. GRAY. No, I did not make any notes of those telephone calls with the President.

Mr. EDMISTEN. It was a rather momentous occasion; wasn't it?

Mr. GRAY. I know it, but, you know, those kind of telephone calls, Mr. Edmisten, I think you kind of tend to remember. I didn't write them down.

Mr. EDMISTEN. Now, during your tenure as the Acting FBI Director, was there any discussion in your office about recommending that the President appoint a special prosecutor for the Watergate case?

Mr. GRAY. Yes, there was. On the——



Mr. EDMISTEN. Did you do it? Who drew it up and what—

Mr. GRAY. Two of my staff people drew it up and came in to talk with me about it and I went over it very carefully with them and discussed it with them and discussed it with the Attorney General that same day, March 26.

Mr. EDMISTEN. What did the Attorney General say about it?

Mr. GRAY. The Attorney General did not approve of the recommendation. He stated that this would be very harmful to the Department of Justice and this was just an act that could not be taken.

Mr. EDMISTEN. Mr. Gray, during your confirmation hearings you offered the entire membership of the Senate Judiciary Committee FBI records. Now, you were told not to do that. Who did it? Who told you not to?

Mr. GRAY. Mr. Edmisten, I offered the entire FBI Watergate investigative file to every Member of the U.S. Senate, not just the members of the Senate Judiciary Committee, but those orders—no. I should say my offer was rescinded by an order that I received from the Attorney General.

Mr. EDMISTEN. Have you ever had any indication that any of your agents were engaged in any so-called dirty tricks for the White House?

Mr. GRAY. I don't know what you mean by "dirty tricks." I have told you that I authorized a surreptitious entry on one occasion solely to protect the lives of innocent Jewish men, women and children, and I would do it again, but this was in the course of national security and domestic peace and tranquility, but I know of no agents of mine engaging in dirty tricks.

Mr. EDMISTEN. That is the question I wanted answered, yes.

Mr. GRAY. No, sir.

Mr. EDMISTEN. Now, when you were before the Senate Judiciary Committee for your confirmation hearings, did Mr. Kleindienst make contact with you and tell you that he would like for you to meet with him everyday afterward to sort of have a skull session about what you had done that day and what you maybe might do the next day?

Mr. GRAY. Yes. I think he did, and those meetings quickly went by the board. Very, very few of them—I think there was only one of them that was held at 5 o'clock and I think my logs would reveal that because of the amount of work that I was engaged in in just keeping up with the Bureau work and doing the necessary preparation for the hearings.

Mr. EDMISTEN. Did you ask for him to meet with you at some point in that time and he said, "No, Pat, it is all over now"?

Mr. GRAY. No, I don't remember that.

Mr. EDMISTEN. Something to that effect?

Mr. GRAY. I don't remember that, Mr. Edmisten, if that did occur.

Mr. EDMISTEN. So if you don't remember that, then, you can't comment on whether or not you were getting the feeling then that you were being dropped?

Mr. GRAY. No, sir. At no time did I get the feeling that I was being dropped until after I had requested that my nomination be withdrawn and Mr. Kleindienst told me that there were other candidates being looked into.

Mr. EDMISTEN. If an FBI agent of yours had taken documents from Mr. Dean and Mr. Ehrlichman in the manner in which you did and had not reported it to the FBI, there would be a very large possibility that they would be indicted and at least fired; is that not true?

Mr. GRAY. I am not so sure that that would be true because these men were my superiors and certainly they would be his superiors and I am not at all certain that I would view the matter in that frame.

Mr. EDMISTEN. When the President spoke with you on March 23, 1973, you stated this morning that you had a strange feeling, I believe, that maybe your call was being recorded. Well, now, you have had time to reflect and to know that there has been discovery of certain taping.

Does that cause you to have any different reflection now about the President's conversation to you that day?

Mr. GRAY. Well, Mr. Edmisten, I don't want to let you put words in my mind. I just can't do that. I told—my testimony I think was not that I had the eerie feeling that it was being recorded but the eerie feeling that it was being said for a purpose and I related it back to the same words I heard on July 6 in the conversation, sir.

Mr. EDMISTEN. I have no further questions, Mr. Chairman.

Senator ERVIN. Mr. Thompson.

Mr. THOMPSON. Mr. Gray, let me ask you a few more questions about the FBI investigation into the Watergate matter.

Mr. GRAY. Yes, sir.

Mr. THOMPSON. And I don't mean to go into it for the third or fourth time or to be unduly critical of the Bureau or its agents but I do think a determination as to whether it was a good or bad investigation is relevant. If it was not a good investigation, why was it not; it is relevant from the standpoint of the future of the Bureau and possibly its relation to the White House or the executive branch.

We have been furnished some information from the Bureau and the indications are that there were 343 agents who investigated this case. They conducted 2,347 interviews. I believe 56 of the 59 field offices were involved and 22,403 man-hours were expended on this particular investigation.

And yet we know now that there were tremendous relevant factors which were not uncovered by the FBI, that the only persons indicted were the persons who were in the DNC or in the Watergate itself at the time of the break-in. So while it might not be deemed relevant for you to characterize whether it was a good or bad investigation in isolation, I think it would be because of the factors I previously mentioned.

Can you still say that it was a terrific investigation as I believe you put it earlier this morning in light of these factors?

Mr. GRAY. Mr. Thompson, I had the deepest sense of pride in those men. I had the deepest sense of pride in that investigation which is one of the reasons that I offered it to the U.S. Senate, the Members of the U.S. Senate, and even beginning early in April where I believed that I was going to continue to remain in the position of acting director, we began to audit that investigation in the FBI. I sat with some of the top people to prepare to take the FBI investigation through the meetings of this Select Committee and I felt then and I feel now that that was a very, very, very good investigation but I would also have to say that we have to take what people are telling us, too, and

in many cases in conjunction with the assistant U.S. attorney, people were brought right to the grand jury. We tried with the ways available to us to do the very best job we could.

Mr. THOMPSON. Well, how do you test whether or not an investigation is good? Is it not in the results that are produced?

Mr. GRAY. It is in the results that are produced and we thought that we had produced some pretty decent results until all these—

Mr. THOMPSON. I am not talking about the time even when you were testifying before the Judiciary Committee in February. I am talking about as of now.

Does it really matter as to how many manhours were expended or how many interviews were conducted or how many agents were assigned to the case if the results were not produced, if the job in effect was not done, as it appears to be in certain cases now? It has nothing to do with the motivations or any evil intent on behalf of anyone.

Mr. GRAY. I realize that, Mr. Thompson, but I still say to you that on the basis of everything that we had to work with and on the people we interviewed I think that those agents did a magnificent job.

Mr. THOMPSON. Let's discuss a few of those, and if your recollection of any of these matters differs from my notes, please tell me. This is based on limited information, but I believe, for example, Mr. Haldeman was not interviewed at all; is that right?

Mr. GRAY. Yes, sir; that is correct, and that was taken up during the meetings that we had prior to my confirmation hearings and I asked the question and was told by the senior executives that we had absolutely no leads that led to Mr. Haldeman and no lead was set out to interview Mr. Haldeman.

Mr. THOMPSON. That gets to another point.

You mentioned several times that you were not naturally curious, or that you were not curious. But does not a good investigator, just from the standpoint of an investigator, have to be very curious and does he not have to follow the leads out to their logical conclusions and their logical possibilities?

Here you had the Committee To Re-Elect. Here, if I recall, you had people caught inside of the DNC, some were employees of the Committee To Re-Elect. You knew, of course, the Committee To Re-Elect was the President's committee. You realized that Mr. Haldeman had contacts, to say the least, with the Committee To Re-Elect, and there certainly were contacts between the White House and the Committee To Re-Elect, and if anything beneficial was derived from the DNC by the Committee To Re-Elect or any of its agents that there was a very good possibility that someone in the White House would know about it or that it would be possibly useless or not as useful. These are, of course, matters of speculation, but aren't these things that investigators are supposed to do, speculate to the logical conclusion, and if you did would that not lead directly to Mr. Haldeman?

Mr. GRAY. No, sir; I would have to say, Mr. Thompson, in all fairness and with respect to you, that my agents did not come up with any leads going to Mr. Haldeman and, as a matter of fact, I think all of us were babes in the woods there with regard to the relationship that existed. We did not know of that relationship that existed.

Mr. THOMPSON. You did not ask?

Mr. GRAY. No, I didn't, I did not.

Mr. THOMPSON. I believe you did interview Mr. Ehrlichman. You interviewed him once, very early in the game, as I understand it.

Mr. GRAY. That is right, sir; and that documentation is in the record and as I recollect that was at the request of the Assistant U.S. Attorney Silbert working with the case agents.

Mr. THOMPSON. There seemed to be various people who might be described as principals now who were interviewed only once and very early. It seems as things developed, as new disclosures were being made, these people were not being reinterviewed. Who made the determination as to who was to be interviewed?

Mr. GRAY. Those leads were originated and generated right down at the working level, the case agent level working with the Assistant U.S. Attorney and subject to review, of course, by the field supervisor and even by the special agent in charge of the Washington field office and then even up into FBI headquarters with the Bureau supervisor working on the case and with the Assistant Director of the General Investigative Division.

Mr. THOMPSON. You mentioned you were hamstrung because of the information that was being furnished to you by the people who were interviewed. Who makes the determination as to what questions or what lines of inquiry are pursued with the individuals who are interviewed?

Mr. GRAY. I asked that question of my people and there is documentation before this committee with regard to that which sets forth the fact that no agent is specifically told the questions to ask and how to ask the questions, that these men are pretty well trained as investigators and reliance is placed upon them to ask the proper questions and I believe that they did.

Mr. THOMPSON. Well, Gordon Strachan, as an example, was interviewed and evidently interviewed rather extensively but he also evidently was interviewed only with regard to the Segretti situation. Of course, hindsight again is better than foresight, but with regard to whether or not he ever saw any materials which could be construed as results of electronic eavesdropping, I assume in the interview you found out he personally did have contact with the Committee To Re-Elect and in effect, was Haldeman's liaison between the White House and the committee. The questions about those possibilities is that even though there were no leads, or perhaps not even any accusations, those possibilities were not pursued with Mr. Strachan when he was interviewed on August 28.

Mr. Magruder was interviewed on July 20 and evidently was interviewed with regard to financial matters only. He testified at the trial, I think primarily with regard to financial matters and, of course, we know that he was receiving these results from his own testimony.

Dean, I believe, was in fact interviewed on June 26 or 27, but only with regard to the materials in Mr. Hunt's safe.

So it does seem that not only might you have been hamstrung by the particular answers you were getting, if you were being lied to, of course, but someone was hamstringing himself in not pursuing these other inquiries or not going back and following up on them.

Is this an unfair characterization or does this not seem to be true?

Mr. GRAY. I think it may be a little unfair because I cannot really account for the state of mind of the agents with regard to the specific

questions that they are asking and I do know that the prosecution strategy was to endeavor to drive to conviction. Convictions were obtained on the basis of the FBI investigations and then after conviction to hope that some of those convicted would disclose some relevant facts, which is indeed what occurred.

Mr. THOMPSON. This is no excuse, of course, if these facts are true. The earlier that this information could be derived the better, I would assume, would it not, regardless of prosecution?

Mr. GRAY. That is correct, Mr. Thompson, but what I am saying to you is that I do not know the state of mind of each one of those individual agents as he asked questions and developed his report and as those reports were viewed. I really do not.

Mr. THOMPSON. Well, again, going back to what we were discussing a minute ago, I do not think it is as important as to the state of mind of the agent because I do not know of anyone who is accusing any field agent of doing other than what he thought his job was. But with regard to whether or not it was in fact a good investigation, even in retrospect.

Lest there be any intimation that there were political considerations with regard to these men, you might point out the political composition or lack of political composition of the Bureau itself, the agents. I do not know how many people realize how much turnover there is within the Bureau, for example, when a new administration comes in. Could you tell us briefly about that composition of the Bureau?

Mr. GRAY. Relatively none, sir. Right behind me and all down the line throughout the ranks of the FBI you have all career professionals. The only people during my tenure who were not career professional members of the Federal Bureau of Investigation were the Acting Director and his personal staff.

Mr. THOMPSON. Of course, you were appointed by the President?

Mr. GRAY. Yes, sir; I was appointed by the Attorney General, sir.

Mr. THOMPSON. And you have related several matters here of contacts with the White House which evidently caused you some concern during the course of this investigation. Mr. Ehrlichman canceled a meeting which you were going to participate in, I believe, and Mr. Walters.

You were concerned about what was going on with regard to the CIA implications and you took it upon yourself to talk to the President about the matters which I believe you stated was something you did not do lightly.

You were receiving requests from John Dean for FBI material and, although you ultimately determined that it was the correct thing to do, you were, I suppose, sufficiently concerned that you asked for a legal memorandum or a legal opinion from your own people to make sure you were on firm ground?

Mr. GRAY. I knew I was on firm ground. What I wanted to do, I testified earlier, I took a step in the direction of standardizing within the Federal Bureau of Investigation the delivery of such materials through the Cabinet officer, and if you will look at that particular memorandum that was developed you will find comments are made right in there that Mr. Hoover disseminated when and wherever he wanted and this has been the practice in the Federal Bureau of Investigation and I was trying to reach a different objective.

Mr. THOMPSON. But these were contacts that you were having or questions or matters that I assume caused some thought in your mind as to whether or not they were the correct things to do. I am especially referring to the cancellation of the meeting and the things that led up to the telephone call from the President, and what you told him on July 6. My question relates to the inquiry Senator Baker was pursuing awhile ago, what would lead us to believe that future Directors would not have these same contacts by White House personnel and what would lead us to believe anything other than that they would feel that they should acquiesce or do what the boss is ordering in effect. Does this point out some structural defect in the FBI or some situation with regard to the relationships between the FBI and the Justice Department or the FBI and the White House that should be rectified?

Mr. GRAY. I think every President has looked upon the FBI as his own province, not just this President. In fact, research that we did in the Federal Bureau of Investigation on this question revealed just that. And I think that the one suggestion that I did make to Senator Baker is that I do not fear the FBI as an independent agency with the idealistic, properly motivated individual there as head, reporting through an oversight committee or committees here in the Congress. I wanted to do that. I had that as one of the proposals that I made and I think it will work. I met with the House Judiciary Committee early in the game, I wanted that kind of relationship with the legislative branch because the FBI is in a difficult position in its present matrix.

Mr. THOMPSON. Would that take it out of the Justice Department, according to your—

Mr. GRAY. According to my view it would be an independent agency, yes.

Mr. THOMPSON. Would this completely absolve the difficulties with regard to the relationship the Director might have with the White House?

Mr. GRAY. I don't know that it would. It is pretty broad that I could answer you and say that it would completely resolve it. I think that the matter is going to have to be studied a little more intensely, Mr. Thompson, than you and I could discuss it.

Mr. THOMPSON. Under your recommendation, then, I assume the Director would not be looking to the President as his direct employer, so to speak, as the situation exists now.

Mr. GRAY. That is correct.

Mr. THOMPSON. Thank you, Mr. Gray.

Senator ERVIN. Any further question from any member of the committee?

Captain Gray, you have cooperated fully with the committee and the staff in these hearings and I want to thank you on behalf of the committee for your cooperation.

Mr. GRAY. Mr. Chairman, I would like to thank you and the vice chairman and the members of the committee and the committee staff for the courtesies shown to me in a difficult situation. Thank you, sir.

Senator ERVIN. The committee will stand in recess until 9:30 a.m. tomorrow.

[Whereupon, at 5:03 p.m., the committee was adjourned until Tuesday, Aug. 7, 1973, at 9:30 a.m.]

TUESDAY, AUGUST 7, 1973

U.S. SENATE,  
SELECT COMMITTEE ON  
PRESIDENTIAL CAMPAIGN ACTIVITIES,  
*Washington, D.C.*

The Select Committee met, pursuant to recess, at 9:45 a.m., in room 318, Russell Senate Office Building, Senator Sam J. Ervin, Jr. (chairman), presiding.

Present: Senators Ervin, Talmadge, Inouye, Montoya, Baker, Gurney, and Weicker.

Also present: Samuel Dash, chief counsel and staff director; Fred B. Thompson, minority counsel; Rufus L. Edmisten, deputy chief counsel; Arthur S. Miller, chief consultant; Jed Johnson, consultant; David M. Dorsen, James Hamilton, and Terry F. Lenzner, assistant chief counsels; R. Phillip Haire, Marc Lackritz, William T. Mayton, Ronald D. Rotunda, and Barry Schochet, assistant majority counsels; Eugene Boyce, hearings record counsel; Donald G. Sanders, deputy minority counsel; Howard S. Liebengood, H. William Shure, and Robert Silverstein, assistant minority counsels; Pauline O. Dement, research assistant; Eiler Ravnholt, office of Senator Inouye; Robert Baca, office of Senator Montoya; Ron McMahan, assistant to Senator Baker; A. Searle Field, assistant to Senator Weicker; Michael Flanagan, assistant publications clerk.

Senator ERVIN. The committee will come to order.

The committee met in executive session this morning and decided to postpone filing a suit until counsel for the committee have an opportunity to ascertain and study the reaction of the White House attorneys to the motion of the Special Prosecutor.

I would like to put in the record a statement of the American Nurses Association setting out the code of the nurses in respect to their attitude toward revealing confidential information they acquire while serving the patients.

[The document referred to was marked exhibit No. 144A\*.]

Senator ERVIN. The counsel will call the first witness.

Mr. DASH. Former Attorney General Richard Kleindienst.

Senator ERVIN. Mr. Kleindienst, will you stand and hold up your right hand.

Do you swear that the testimony you are about to give to the Senate Select Committee on Presidential Campaign Activities shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. KLEINDIENST. I do.

Senator ERVIN. You might identify yourself for the purposes of the record, giving your name and address.

\*See p. 3855.

# **TESTIMONY OF RICHARD G. KLEINDIENST, FORMER ATTORNEY GENERAL**

Mr. KLEINDIENST. Mr. Chairman, my name is Richard G. Kleindienst. My address is 8464 Portland Place, McLean, Va.

I do not have a prepared statement, Mr. Chairman. I am here voluntarily to provide to you, the members of the committee, and the counsel, whatever information that I have and which you deem to be relevant to your investigation.

Mr. DASH. Mr. Chairman, Mr. David Dorsen, assistant chief counsel, will open the questions.

Mr. DORSEN. Mr. Kleindienst, am I correct that you are presently engaged in the private practice of law?

Mr. KLEINDIENST. Yes, sir. After I left the Department of Justice I opened up an office in Washington, D.C., and I am a private practitioner by myself.

Mr. DORSEN. And you resigned as Attorney General as of April 30, 1973?

Mr. KLEINDIENST. I believe that it was April 30; yes, sir. Effective upon the qualification and appointment of my successor.

Mr. DORSEN. Could you please summarize for us briefly your background, especially with respect to your positions with the U.S. Government?

Mr. KLEINDIENST. I have only had two positions with the U.S. Government. That was the position of Deputy Attorney General of the United States, a position that I believe that I was—commenced around February 1969, and the other position that I have had with the U.S. Government is the Attorney General of the United States, a position that I commenced on or about June 8, 1972.

Mr. DORSEN. When for the first time did you learn that there was electronic surveillance of the Democratic National Committee headquarters at the Watergate?

Mr. KLEINDIENST. I learned it for the first time after June 17 when the individuals who were at the headquarters were arrested. I don't know whether I learned of the electronic surveillance on Saturday, June 17, or sometime in the early part of the next week.

Mr. DORSEN. But on June 17 you were notified of the fact that there had been a break-in?

Mr. KLEINDIENST. At approximately 8 o'clock in the morning, as Assistant Attorney General Henry Petersen of the Criminal Division of the Department of Justice called me at my home and indicated to me that there had been a break-in at the Democratic national headquarters at the Watergate Hotel. All the information that he had at that time was that there was a break-in and I believe he said to me it looks like it might have been a bombing case.

The next knowledge of any kind that I had with respect to it came, oh, approximately 3½ hours after that when I met with Mr. Gordon Liddy and Mr. Powell Moore in a section of lockers at the Burning Tree Club, which is a golf club in Washington, D.C.

Mr. DORSEN. How did that come about, Mr. Kleindienst?

Mr. KLEINDIENST. The reason I was at the Burning Tree Club, they had their annual member-guest golf tournament in which I was a participant. I think I was scheduled to tee off for the Saturday round



in the afternoon. I was having lunch in the main dining room area of the Burning Tree Club. I looked up and Mr. Gordon Liddy, who I recognized, came in with Mr. Powell Moore and I likewise recognized him.

Mr. DORSEN. Who is Mr. Powell Moore?

Mr. KLEINDIENST. Mr. Powell Moore was the Deputy Public Information Officer of the Department of Justice when I was there as the Deputy Attorney General. When Mr. Mitchell resigned as Attorney General and went over to the Committee for the Re-Election of the President, Mr. Powell Moore went with him to the campaign committee. I do not know what his title was at the campaign committee but I knew Powell Moore quite well as a result of our association together at the Department of Justice.

Mr. DORSEN. I believe you indicated you recognized Gordon Liddy. What were the circumstances under which you first met or got to know Mr. Liddy?

Mr. KLEINDIENST. The only association I ever had with Mr. Liddy, except for this particular meeting on Saturday, June 17, was in the year 1969 when I headed, on behalf of the executive branch, a task force that was looking into and devising a program of action with respect to the marihuana traffic from the country of Mexico into the United States. I believe that Mr. Liddy at that time was an officer or employed by the Treasury Department and he was one of the representatives from the Treasury Department in that task force. There were representatives from six or seven Departments of the Government. That would have been in the late spring of 1969 and the summer of 1969. To the best of my recollection I never saw Gordon Liddy after that time in the intervening years until that Saturday morning on June 17 and I have not seen him since.

Mr. DORSEN. What was the nature of the experience that the Justice Department had with Mr. Liddy in connection with his role in Operation Intercept?

Mr. KLEINDIENST. I had no experience with him because he was under the jurisdiction of the Secretary of the Treasury. He had one assignment, as I recall, with respect to going from town to town along the United States-Mexican border to inform the business community we were quite concerned about so-called Operation Intercept. My recollection, which is not very precise, is that the manner in which Mr. Liddy was giving information with respect to our program was unsatisfactory and I believe that based upon information that I got, I recommended to the Secretary of the Treasury or Mr. Rossides, who was, I think, his immediate superior, that Mr. Liddy be called back from that assignment and not to continue any further with it.

Mr. DORSEN. Do you have any other recollection about any possible problems with Mr. Liddy or why his performance was considered unsatisfactory?

Mr. KLEINDIENST. No, sir.

Mr. DORSEN. Directing your attention to the locker room of the Burning Tree Country Club, what happened when you saw Mr. Moore and Mr. Liddy there?

Mr. KLEINDIENST. The first thing that I remember with some preciseness is the fact that Mr. Liddy, when he came into the entranceway of the dining area and saw me, in a rather furtive manner made a

motion to me like this, indicating come here. I got up out of my chair and went over there. He was very agitated and seemed to be quite upset. He said that I have to talk to you in private. Where I was standing was not a very private place; there must have been 60 or 70 men who were eating or standing around. Right to the left of where he was there was a little locker room complex at the club. I looked in there and no one was in there so I said, "Gentlemen, come in here, I think this would be a private place to talk." We went in there. Mr. Liddy said that I have been asked to come out and give you a report with respect to the Watergate break-in last night or the break-in at the Democratic National Committee, I do not know which he said. He said to me that he believed that some of the persons who were arrested might be employed by either the White House or the Committee for the Re-Election of the President.

My reaction to that statement was instantaneous and rather abrupt. I think he also said, although I do not have too precise a recollection of it, that Mr. Mitchell had asked him to come out and talk to me. That was incredible to me. The relationship I had with Mr. Mitchell was such that I do not believe that he would have sent a person like Gordon Liddy to come out and talk to me about anything; he knew where he could find me 24 hours a day. In any event, as a result of my surprise, my incredulity, and, I think, my instant realization of the implications of what he had just said prompted me to pick up the telephone and locate Mr. Henry Petersen. That I was able to do very quickly. All I had to do was to call the Justice Department switchboard and have her call him at home and put him on the phone. Since Mr. Petersen had called me at 8 o'clock I did not have to explain much to Henry. I told him, and I have always been under the impression I said to Mr. Petersen, that Mr. Gordon Liddy of the campaign committee is here. Mr. Petersen, based upon a conversation I have had with him, does not remember my mentioning Mr. Liddy's name, but in any event, I was intent upon giving him a very specific direct instruction right then that with respect to those who were arrested at the Watergate they should be given no treatment different than anybody who might have been arrested in circumstances of that kind. I was quite upset. To the best of my recollection, the next thing I did was to turn to Mr. Liddy and tell him to leave the premises because I know immediately thereafter Mr. Moore and Mr. Liddy left.

MR. DORSEN. Mr. Kleindienst, aside from the conversation you had with Mr. Petersen which you have just described, to whom else did you recount the incident at Burning Tree?

MR. KLEINDIENST. I might have told Mr. Dean, I do not recollect doing so. I have no recollection of recounting this incident to anyone else until I was interrogated by personnel from the Select Committee and also personnel from the Special Prosecutor Cox staff.

MR. DORSEN. You are aware, are you not, that Mr. Dean has testified with respect to reported conversations you had with him?

MR. KLEINDIENST. Right.

MR. DORSEN. On the subject?

MR. KLEINDIENST. I have no recollection of mentioning it to him. If he recollects it inasmuch as the events occurred, then I think on that instance I would have to credit Mr. Dean's testimony.

MR. DORSEN. Did you participate in a conversation with Mr. Henry Petersen and Mr. Dean concerning the possibility of going to the

President because the circumstances and events indicated that there was more to the Watergate break-in than appeared?

Mr. KLEINDIENST. Well, the characterization that you put at the end I don't think was relevant to our meeting. But I believe it was either Monday or certainly no later than Tuesday that Mr. Dean, Mr. Petersen, and I had a conference that took place in my office. The purpose of Mr. Petersen and Mr.—and myself being with Mr. Dean was to indicate to Mr. Dean the apprehension and the grave seriousness with which we received the news of this fantastic event that had occurred at the Watergate Hotel, to inform him as counsel to the President that the Department of Justice and the FBI would be compelled and would immediately launch a full-scale intensive, thorough investigation into all the facts surrounding it, that this was a felony, that in addition to being a felony, if you can think of anything worse, it also went to the very heart of our political system, and that it was an act of such a heinous nature that we were going to call forth and bring about an investigation immediately.

I think Mr. Petersen interrupted or said that either myself or Mr. Dean should contact the President personally to indicate to him the gravity of the situation, the consequences of it, and I believe Mr. Petersen said in that remark that either Mr. Dean or I should urge the President to make a statement immediately setting forth his attitude in response to this fantastic event. I believe that Mr. Dean volunteered at that point to the effect that, well, I am going out to San Clemente and I will convey your suggestion, Mr. Petersen, because I will be seeing the President myself. I believe I concurred in that. I don't know how long that meeting lasted but I think that that is the substance of what transpired at that time.

Mr. DORSEN. There has been testimony, Mr. Kleindienst, that shortly after this meeting there allegedly was an effort to implicate or involve the CIA as part of the Watergate coverup and that was done by Mr. Dean, Mr. Ehrlichman, and Mr. Haldeman.

In late June or early July 1972, were you aware of these events?

Mr. KLEINDIENST. I was not aware of the meetings that have been testified to here by Mr. Gray, Ambassador Helms, or General Walters. I had no knowledge of such meetings until I heard their testimony in this matter.

I have a vague recollection of Mr. Gray mentioning to me sometime during that period of time that assertions were being made that there is a possible CIA involvement in the whole Watergate situation and the fact that I believe he expressed to me that if there is actual CIA involvement in this matter, it would certainly complicate the investigation of the FBI.

So that statement must have been made by him prior to the time that he had ascertained that there was no CIA involvement. Having so ascertained it, to my recollection he never mentioned that situation to me again.

To my recollection, I never had a conversation with Mr. Dean, Mr. Ehrlichman, or anybody at the White House with respect to the so-called CIA matter.

Mr. DORSEN. Did Mr. Gray mention to you his telephone conversation with the President on July 6, 1972?

Mr. KLEINDIENST. Not to my recollection.

Mr. DORSEN. During the summer of 1972, were you aware that Patrick Gray was making available to John Dean FBI teletypes and 302's?

Mr. KLEINDIENST. No, sir. The first time I became aware of that was in the confirmation hearing of Mr. Gray to be the permanent Director of the FBI.

Mr. DORSEN. Had Mr. Dean spoken to you about the possibility of the FBI supplying to the White House such documents?

Mr. KLEINDIENST. Mr. Dean raised a question with both myself and Mr. Petersen. Both of us were very quick to tell him that we did not—that we would not give him raw investigative data from FBI files. I told him based upon his representation to us and my belief throughout this matter that he was counsel to the President; he represented him continually. He was dealing strictly with the President, that the President had delegated him to more or less be responsible for an overview of the investigation insofar as it might relate to White House personnel. I told Mr. Dean that since I had been in the Department of Justice—I hadn't been Attorney General but a week when this fantastic situation occurred—that it had always been my policy and one that was shared by Attorney General Mitchell, that only under the most restricted circumstances should raw FBI investigative data be given to anybody. I believe I did indicate that we wouldn't mind summarizing pertinent information that was relevant to his inquiry orally for him so that he could make a report to the President. I believe I also indicated that if there was a particular file that the President of the United States personally wanted to see, that I would be willing to take that file personally up to the President, sit down with the President and let him look at it and then bring it back.

Mr. DORSEN. During the summer of 1972, were you aware or made aware of a Saturday night phone call from Mr. John Ehrlichman to Henry Petersen?

Mr. KLEINDIENST. In the summer of 1972?

Mr. DORSEN. Summer or fall.

Mr. KLEINDIENST. I do not know if it was an evening call. I became aware of a call that Mr. Ehrlichman made to Mr. Petersen I believe in the middle of the day, sometime between July 7 or 8 and August 8 or 9, at a time when I was at the Pocono Lake Preserve in Pennsylvania with my family on a vacation. I became aware of such a call at that time.

Mr. DORSEN. How did you become aware of it?

Mr. KLEINDIENST. I became aware of the call because Mr. Ehrlichman called me. He started the conversation out, I think, by saying either "Dick" or "General," depending on the nature of the conversation how he would address me. He said: "I have just talked to Henry Petersen and I am very upset about my conversation with him because I gave him an instruction which he refused to follow," and I think my first reaction which was again rather abrupt and instantaneous was, "What were you doing talking to Henry Petersen in the first place and giving him instructions of any kind?" and he said, "Never mind that, I asked him to have the FBI and U.S. Attorney's Office not harass Secretary Stans with respect to interrogations, not to harass the Secretary."

And I said, John, you have got to be out of your mind. What did Mr. Petersen say to you? Well, I think he said in a polite way he told

me to go to you know where, and I said, well, Mr. Ehrlichman, I think by that time I may have been calling him Mr. Ehrlichman, I said you are awfully lucky Henry Petersen is the kind of man that he is that he does not blow off the handle. I said if he resigned today and has a press conference and repeated your conversation with him you could probably be involved in an obstruction of justice complaint, and I said Henry did exactly what I would expect him to do. Then I remember saying to Mr. Ehrlichman I never want you again to call up anybody in my Department and give them specific instruction. I said if you have something to convey to Mr. Petersen or anybody over there you can call me. He said well, I cannot reach you all the time, and I said well, John, we have transacted most of our business on the telephone, I had a telephone installed up here to be available to you and the President or anybody else 24 hours a day. He said I will not agree to that, and I said all right, John, if you will not agree to that I will come down Monday, I would like to meet with you and the President, and if the President tells me that you have the authority and the power to give specific instructions to people in the Department of Justice then I will submit my resignation. At that point Mr. Ehrlichman then treated the matter lightly, do not get excited, I was only kidding, do not worry about it, it will never happen again, and I can say to you that it never did happen again.

Mr. DORSEN. Am I correct that Mr. Stans did not actually appear before the grand jury?

Mr. KLEINDIENST. That is my understanding.

Mr. DORSEN. And how did that come about, in view of your conversation with Mr. Ehrlichman?

Mr. KLEINDIENST. That came about as a result of conferences that I had with Mr. Petersen.

Mr. Petersen said that if you are dealing with persons of high position, persons of great notoriety or prestige, it is not uncommon, depending upon the circumstances, instead of having them appear before the grand jury directly, to have them interrogated by an Assistant U.S. Attorney or the U.S. Attorney with a court reporter and give them questions and get answers from them, otherwise the same ground rules would apply, they would not have a lawyer with them, their attorney could be in the next room, if they wanted to consult with their attorney they could step out and do that. He said that particularly he saw no objection to it in view of the fact as of that time there was no evidence of any kind in our possession that would indicate culpability or criminal conduct on behalf of Mr. Stans.

I have had very little experience with the grand jury procedure. I authorized that procedure with respect to Mr. Stans and I will take personal responsibility for it.

Mr. DORSEN. Now, before I ask you your relationship with John Ehrlichman in reference to the Justice Department during this period, I would like to read a few sentences from John Dean's testimony before this committee from page 2308.

Throughout the Watergate investigation Haldeman and particularly Ehrlichman, had complained about Mr. Kleindienst's passive role in the investigation and prosecution. Haldeman and Ehrlichman were both aware of the strained relationship between Kleindienst and the White House. I knew that Ehrlichman was riding hard on the Justice Department in an effort to undermine Mr. Kleindienst. I also knew from conferences with Kleindienst he had little affection for Mr. Ehrlichman.

Is this a fair statement of your relationship with Mr. Ehrlichman? Mr. KLEINDIENST. I think the last statement Mr. Dean made at that time would have been subjective in nature. I do not think I had a feeling one way or the other in that way about Mr. Ehrlichman. I had had, generally speaking, a satisfactory working relationship with Mr. Ehrlichman. He had a very difficult assignment and role to fulfill on behalf of the President of the United States. I often wondered how John Ehrlichman could really take onto himself the multitudinous chores and responsibilities that he did. I made it a point to the extent possible to work with and get along with everybody at the White House and indeed, in the Government, as a means by which I would discharge my responsibility in the Government.

I did not know—nobody told me that I was not getting along with the White House. I have a personality and personality characteristics which people tell me can sometimes be irritating and I am sorry about that and I suppose I could have irritated people up there from time to time. So far as a passive role at the Department of Justice, the decision that I made on June 17 when I became aware of this in terms of my role as the Attorney General was essentially this: That I should not do anything more or less in this as a major investigation than I would in any other case. In every other case that I ever was involved in at the Department of Justice of a criminal nature, I looked to Mr. Henry Petersen to be primarily responsible for the direction of the investigation.

And let me say this about Mr. Petersen. I believe that Henry Petersen is the finest career lawyer that this country has ever had. In 41½ years of association with him I found him to be intelligent, fair, courageous, honest, dedicated to the administration of our criminal justice laws and I suppose that of all of the people that I was associated there with who would be under me in the Department I respected him more, looked to him more for advice and counsel, relied upon him more, and thanked the Lord constantly there was a man like Henry Petersen.

My admiration for him was such, I believe Henry Petersen is the first career lawyer in the Department of Justice who was ever appointed by the President to be an Assistant Attorney General and I thought it was a great compliment to his career of service. Consequently, on any other, as I did on any other criminal matter, I looked to Henry Petersen, I probably saw him several times a day. I did not absolve myself of the ultimate responsibility as the Attorney General in the matter but I relied upon Henry and I got information from Henry Petersen. With the exception of one event, I never talked to Mr. Silbert, Mr. Glanzer, Mr. Campbell or the U.S. Attorney, I never gave them any direction. If there was a policy matter Mr. Petersen would submit to me which was proper for me to discharge as the Attorney General, I made those decisions. If they were right, I will take the credit for it and if they were wrong I will take the responsibility for it. That could have been to people at the White House a passive role in the Watergate case. It is the role that I tried to pursue while I was there until Sunday, April 15, 1973.

Mr. DORSEN. I would like to turn to a meeting that took place among you, Mr. Dean, and Mr. Ehrlichman on July 31, 1972. Do you recall that meeting?

Mr. KLEINDIENST. Mr. Dean, Mr. Ehrlichman, and myself?

Mr. DORSEN. Yes.

Mr. KLEINDIENST. Without something else to prod my memory I have no recollection of that.

Mr. DORSEN. Well, I will read from page 5285 of Mr. Ehrlichman's testimony before this committee:

There came a time when there was a feeling that, at least on my part, based upon what Mr. Dean was telling me about the unfolding of this thing, that Mr. Magruder may have had some involvement and that culminated in a meeting with the Attorney General at the end of July, on July 21, where Magruder was specifically discussed, but just where in there I acquired information I can't tell you.

Mr. KLEINDIENST. I have no recollection of any such meeting. The only recollection I have of anybody ever saying anything to me about Mr. Magruder was Mr. Petersen's characterization to me after he appeared before the grand jury as a witness, that he said, Magruder just barely, you know, got by. As a result of our conversation, I gathered he meant by that that he didn't sound like a credible witness.

However, there was no other evidence available to the U.S. Attorney to contradict what he said and that is the only characterization of Mr. Magruder that I heard.

Incidentally, Mr. Dorsen, let me make another gratuitous statement, if I may, and that is about these three young lawyers in the U.S. Attorney's Office who conducted this investigation. To me those three, along with Mr. Petersen, are the unsung heroes of the Watergate case. I think a lot of people should be given a lot of credit, the Senate, the press, Judge Sirica, but there haven't been very many people around talking about these career people in my Department.

These three young men were career lawyers. I believe that they are all Democrats. They were there before we came in. They were given this assignment by the U.S. Attorney and they were never interfered with. Under very difficult circumstances, the obvious political notoriety of it, the problems with respect to the press, the interest of the Nation with respect to this terrible, reprehensible event that had occurred, imposed upon these young men a burden that few prosecutors, I think, have ever had. I had complete faith in them throughout this thing. I do today. And I hope someday that they will get the recognition that they really deserve for conducting a thorough, comprehensive investigation.

And let me conclude my gratuity by this remark, that this case, it seems to me, was ultimately broken not by Magruder and Mr. Dean going to the Senate, or the press, or the judge, but by going to the U.S. Attorney's Office in the District of Columbia, to Mr. Silbert, Mr. Glanzer, and Mr. Campbell, and giving them the information that really had unfolded this and brought us to the point where we are today.

Excuse the interruption but I wanted to make that testimony for some very fine men that I admire very much.

Mr. DORSEN. All right, Mr. Kleindienst.

I would like to move ahead to February 22, 1973, and to your meeting with the President on that day and ask you if you can summarize for the committee what occurred.

Mr. KLEINDIENST. February 22, 1973.

Mr. DORSEN. Correct.

Mr. KLEINDIENST. Without something else to prod my memory, Mr. Dorsen, I haven't the slightest idea. Incidentally, for the benefit of the committee and counsel, throughout the time that I was in the Department of Justice I did not keep lengthy memos of my conversations. I didn't write memos to the file. I didn't write self-congratulatory memos back and forth. When I dealt with people at the White House and with the President of the United States I did it as a Cabinet officer, as the Attorney General, in good faith. I gave him my best opinions at the time and I did not keep copious memorandums for the benefit of my grandchildren 50 years from now or anybody else. Consequently, and I think you can see there as a result of my logs, that it would not be uncommon for me to have 50, 60, or 70 telephone calls or meetings in a day.

So, unless you have something else about February 22 to the President of the United States, I haven't the slightest idea what I did then.

Mr. DORSEN. I believe we raised it with you at one of the preparatory sessions and Mr. Dean testified about it as the meeting in which you were trying to be brought back into the family, where the agenda was prepared and I think efforts were made to have you stay on as Attorney General past the deadline which you had set for yourself.

Mr. KLEINDIENST. Well, I didn't know that I wasn't a member of the family. The President of the United States, incidentally, never gave that indication to me. I never had anything but the finest relationship with him. Again, for the record, the only instruction the President of the United States ever gave me at any time after Watergate was to see to it that the Department of Justice and the FBI conducted a thorough, complete, intensive investigation, and I think the phrase that he used several times is, let the chips fall where they will.

If that was the meeting, however, at which the President discussed with me my tenure in the Department of Justice, and I don't know if it was that date or not, I did have such a meeting because I recall the President asking me to come up to see him on rather short notice.

By way of preface, before the election I communicated to the President through Mr. Mitchell the fact that I would like to stay as the Attorney General until September 1973 which would be coterminous with the expiration of my term as President of the Federal Bar Association. My reason for doing so was one strictly of financial reasons. I will have three children in college this year. My service in the Government had depleted a rather modest estate. And I just could not afford to stay longer in the Government of the United States.

After the election, when I had meetings at Camp David, I went to Europe for 10 days and had meetings with respect to drug enforcement matters in London, Paris, Madrid, and Bonn. I was informed by Mr. Haldeman and Mr. Ehrlichman that my request had been acquiesced in and then I had a subsequent meeting with the President in which he likewise said that that would be fine.

At a meeting after the inauguration and before April 15, whether it was February 22 or not, Mr. Dorsen, the President called me in and he said, "Dick, I don't want you to think about leaving as the Attorney General in September." He said, "I understand your personal circumstances. It is going to be a hardship for you, but I have to have you stay until this Watergate situation is over." He said, "I just can't



have a new Attorney General, confirmation and all the problems, and somebody coming in brandnew right now."

As I always have tried to do, I tried to respect the wishes of the President of the United States. I said, "I hope it is not going to be long after September. I won't be thinking of that date now. I want to get out of here as soon as I can, but I will agree with you that I will not submit my resignation in September."

Mr. DORSEN. I am going to pass by certain other events that occurred in this period, including any role you may have played in the confirmation hearings of Mr. Gray, your receipt of any records from the CIA, and discussions as to the role you were perhaps to play in connection with this committee, and direct your attention instead at this time to a conversation I believe you had with Mr. Ehrlichman on March 28, 1973.

Do you recall that conversation?

Mr. KLEINDIENST. No, sir.

Mr. DORSEN. May we have shown to the witness what purports to be a transcript of a conversation on March 28, 1973, between Mr. Kleindienst and Mr. Ehrlichman?

Mr. KLEINDIENST. Is that the one that Mr. Ehrlichman taped?

Mr. DORSEN. That is correct.

Mr. KLEINDIENST. Then I—I have had my memory vividly refreshed with respect to that conversation.

Mr. DORSEN. Did Mr. Ehrlichman, before that conversation started, tell you he was taping it?

Mr. KLEINDIENST. No, sir. And if he had, some of the words that I used and that appear in this exhibit would not have been said by me, Mr. Dorsen.

Mr. DORSEN. Well, in the interests of moving along I will not attempt to question you about the contents of that conversation but merely about Mr. Ehrlichman's not advising you.

Do you know whether Mr. Ehrlichman made a practice of recording these phone calls?

Mr. KLEINDIENST. I don't know. I learned of this as a result of these hearings. I don't think I have language, appropriate language in a public hearing of this kind, to describe the reaction that I had when I learned of this. I think it is reprehensible. I think it is incredible. The concept of somebody at the White House taping a telephone conversation with the Attorney General of the United States when he is talking to them about business that relates to the President of the United States is just beyond my comprehension. And like I say, I don't want to be subjective but I don't think I have at my command language that adequately expresses my feelings about this incident.

Mr. DORSEN. Does that document that I have shown you appear to be an accurate transcription of the conversation?

Mr. KLEINDIENST. I think so.

Mr. DORSEN. Mr. Chairman, may I request that the transcript be placed in evidence?

Mr. KLEINDIENST. I would like to have the opportunity for the benefit of two persons who used to be friends of mine. Senator Weicker and Judge Sirica, to explain some of the concepts that I had and why I used some of the language that I did as a result of my conversation with Mr. Ehrlichman.

Mr. DORSEN. Well, Mr. Kleindienst, just because I do not want to monopolize your time here I would just as soon as—this will be done at another occasion here, I can assure you.

If nobody else does it, I will come back to it.

Mr. KLEINDIENST. Thank you.

Senator ERVIN. The record shows that the transcription of the Ehrlichman tape of his conversation with the witness has been entered as exhibit No. 99.\*

Senator WEICKER. Let the record also show there is no reason for Mr. Kleindienst to use the expression "used to be a friend of mine."

Mr. KLEINDIENST. Thank you, sir.

Mr. DORSEN. Early in April 1973 did you have a conversation with Mr. Ehrlichman on the subject of Judge Matthew Byrne becoming the Director of the Federal Bureau of Investigation?

Mr. KLEINDIENST. On or about April 5, as I recall, I was in Los Angeles, Calif., attending a regional U.S. attorneys' conference. Either while I was there or before I left, on the night before the meeting that I am going to describe, I believe I got a telephone call from Mr. Ehrlichman or somebody on his staff indicating to me that perhaps the President was going to want to talk to me at San Clemente. I believe I indicated that my reservation to leave was Saturday morning because I either wanted to get home or had a meeting Saturday night in Washington, D.C.

I was then informed that—to standby for a helicopter to come near the hotel where I was staying early the next morning to take me to San Clemente for the purpose of meeting with them and the President. I believe later that night I was informed that the decision was made for me to go there and 8 o'clock in the morning I went to a lot near the hotel, the helicopter came in and I went to San Clemente. That is the first and only time I was ever in San Clemente. My meeting started with Mr. Haldeman and Mr. Ehrlichman. Most of the meeting was consumed with a discussion based upon my recommendation of a selection of a special prosecutor for the so-called Watergate situation. This is a suggestion that I first started making to the White House in September of 1972 and a suggestion that I made many times.

The suggestion was rejected both by Henry Petersen and the White House for essentially the same reason. Mr. Petersen said that if you bring in a special prosecutor that would be a slap at the career people in the Department of Justice, an insinuation they had not done their job, they are not entitled to that, and the White House kept saying to me that it would be a reflection upon me as the Attorney General if I had to bring in a special prosecutor, somebody would say I had not done my job. My answer to them at all times was well, we have done a great job, if we can get a fair, objective, credible, outstanding lawyer with knowledge and experience to come in here and take a look at what we have done, I had such confidence in what we had done he would say we had done a good job and I thought that would be good in view of the politics of the situation and, second, I wanted somebody to make the ultimate prosecutive decision who was not a Presidential appointee.

So that persons who had legitimate interest in this, politically or otherwise, could not say that any decision, ultimate decision was a po-

\*See Book 7, p. 2915.

litical decision and I thought from that standpoint of appearance of justice, confidence of the people of the United States in our criminal justice system, it would be a very worthwhile thing.

I never publicly revealed these recommendations of mine. I always felt that the response by the career people in the Department and the White House was legitimate and in good faith, and I never had the practice of calling a press conference every time somebody at the White House disagreed or the President disagreed with one of my recommendations. But in any event, about April 5, apparently they were ready to discuss this matter very seriously and we spent some time discussing how it would come about, who it might be, what his role would be, what delegation of responsibility I would give him, how could we select the person. And I had a lot of ideas because I had been talking to quite a few people about it and I even had some names. I think I had three in particular and I remember Mr. Ehrlichman saying, well, come up with a list of five possible names, and I said I will try but I do not know if you need five.

But in any event, that consumed most of the conversation.

I recall the question of the new Director, permanent Director of the FBI came up, and they asked me for my recommendations. I had two names that I recommended to them and that we discussed that day. One was Henry Petersen and one was Judge Byrne in Los Angeles.

I think that the consensus of our conversation with respect to Mr. Petersen was that you could not find a better, more qualified person to be permanent Director of the FBI, but because he had been in charge of the Watergate investigation at the Department of Justice as the Assistant Attorney General, he could be controversial and that he might have difficulty being confirmed. In other words, if you had him you might have a Watergate hearing as part of his confirmation. I understood that and the reality of it, having gone through a confirmation hearing of my own a year before.

Then, they asked me why I was so strong on Judge Byrne. I think that they were surprised to learn of my very close personal friendship with Judge Byrne. I met Judge Byrne when I became a Deputy Attorney General. He had been appointed U.S. attorney for the central district of California, that is to say, Los Angeles, which is one of our largest U.S. attorney's offices, under President Johnson. When we came in in 1969 there were many serious cases and matters that were still pending in his office. He came highly recommended by everybody at that time, the bench, the bar, Republicans, Democrats, and Mr. Mitchell and I prevailed upon him if he would, to stay on for another year as U.S. attorney in this administration so he could administer the caseload that he had in that very large and significant office.

He consented to do so and I think that is a kind of act of patriotism on his part to stay on. I think he is quite identified with the Democratic Party in California and discharged and discharged fairly and responsibly the duties of that very significant office under a Republican President. As a result of that Matt and I became very good friends.

As a result of that friendship my estimation and opinion of him grew daily from the standpoint of his intelligence, his ability, his knowledge, his conviction, experience as a prosecutor, his whole concept of society and his fairness. I was very pleased when Senator Tunney and Senator Cranston recommended him to be a Federal dis-

strict judge. The way we had allocated it, it was their turn to come up with one and I wanted to suppress my pleasure to those two Senators for fear it might prejudice Matt. He is an outstanding judge. And then I think I gave him those qualities. He is a bachelor, he is about 40 years of age, he is dedicated to the law, and as I said in these troubled times as a result of Watergate, as a result of Pat Gray's misfortunes, that this would be regarded I think with complete credibility, there could be no charge of politics because of his bona fides as a Democrat, and then I said you will have a man who will be fair and forthright and honest in this job.

I don't know whether Mr. Ehrlichman suggested to me that I contact Mr. Byrne or not. I do know that in that conversation, I said, or I believe that I did, my recollection is that I have not talked to Matt Byrne since the Ellsberg trial started. I said I expressed good wishes to him through mutual friends in Los Angeles, but that he and I have just not talked together since the Ellsberg trial started. Neither one of us wanted, at least I, and I am sure he felt that we wanted anybody to think from the appearance of justice I was going in his back chambers and trying to get some special consideration for the Government in that very significant and vital case.

I have no recollection of Mr. Ehrlichman ever indicating to me at that meeting he himself was going to talk to Judge Byrne. Because of the standard that I had set for myself in not talking to Judge Byrne throughout this trial, if Mr. Ehrlichman had indicated to me that he was going to I am confident that I would have said John, you cannot do that while this trial is going on, or at least you should not. Really you, on behalf of the President, are really no different than I, a member of the President's family. In any event, when I first learned of the fact that Mr. Ehrlichman had contacted Judge Byrne, I know I registered a feeling of surprise that such a meeting had occurred. I know Judge Byrne well enough to know that he did nothing improper as a result of that meeting, or those meetings, nor would he permit anybody else to put him in a situation of impropriety. The Ellsberg trial was just about ready to come to a conclusion, the evidence was just about in, it was going to the jury, and because of the delay that had already occurred I didn't think there was that kind of a problem. Mr. Gray was continuing to act as the Acting Director of the FBI, and I thought, with great distinction.

That is what I recollect of the Byrne incident.

Mr. DORSEN. I just want to allude to a few of the subsequent events briefly at that time, however important they are. I do not want to pursue it in detail now, but am I correct that on the early morning hours of April 15, 1973, you had a meeting with Mr. Petersen, U.S. Attorney Harold Titus and the prosecutors at your home?

Mr. KLEINDIENST. It was just one of the prosecutors and that was the chief prosecutor, Mr. Silbert.

Mr. DORSEN. Am I correct that this meeting dealt with the disclosure of Mr. Magruder and Mr. Dean to the prosecutors?

Mr. KLEINDIENST. Yes, sir.

Mr. DORSEN. Following that meeting, am I correct that you made an appointment to see the President later in the day on April 15, 1973?

Mr. KLEINDIENST. That meeting commenced at approximately 1 o'clock in the morning, it terminated around 5 o'clock in the morning.

I was up at 8:30 a.m. As a result of that meeting we agreed that I had to see the President. I put a call in to the White House at 8:30 a.m., the President returned my call at 9:30 a.m. I told him it was absolutely imperative that I see him right away. He said that I have the Sunday service at the White House at 11 a.m. I told him that rather than go to church with my wife and children I would go up there and attend that service at 11 o'clock and be available to see him after that was over.

I think the reception lasted until approximately 1 o'clock and around 1 o'clock in the afternoon I met with the President in his office in the Executive Office Building.

MR. DORSEN. Now, am I correct that at least part of the meeting was devoted to briefing the President and that one of the decisions made on the afternoon of April 15 by you would be that you would in effect withdraw from the supervision of the prosecution of the Watergate case?

MR. KLEINDIENST. The whole meeting was devoted solely to talking about the information that I had obtained that night and the consequences that inevitably must flow from it.

MR. DORSEN. Now, I would like to show to you a document which you provided the committee dated April 15, 1973. The first page is typewritten. The page under it is handwritten. I ask if you can identify that for the committee?

MR. KLEINDIENST. Yes. I know what you have in your hand, Mr. Dorsen. I furnished it to the committee. The document underneath, in my handwriting, is a document that I wrote out in my office in the presence of Mr. Petersen after he and I had met with the President of the United States in which I set forth the reasons why I had to recuse myself from any further contact or involvement in the Watergate case and in which I designated him to substitute for me as the Attorney General of the United States in anything further concerning the Watergate case.

I further requested that he communicate this decision of mine to—in the contents of this memorandum to U.S. Attorney Titus, Silbert, and to Acting Director Gray of the FBI. I signed it and I had Mr. Petersen sign it indicating the time that he received it. It was important for me to establish the time when I no longer had any connection with the Watergate thing.

I then Xeroxed a copy of my handwritten statement and gave it to him and I kept the original. And this is it—the top document that you handed me is a typed document of my handwritten document.

MR. DORSEN. Mr. Chairman, I request that the document identified and summarized by Mr. Kleindienst be admitted into evidence.

Senator ERVIN. It will be received and appropriately marked as an exhibit and admitted in evidence as such.

[The document referred to was marked exhibit No. 145.\*]

MR. DORSEN. What does the word "recuse" mean in this context?

MR. KLEINDIENST. It is a technical word used by lawyers and particularly those in Government service which signifies that for one reason or another, usually ethical reasons, that you withdrew from any further participation in a particular matter.

\*See p. 3860.

Mr. DORSEN. When did you first learn of the fact, which apparently is a fact, that White House employees or persons working at the behest of the White House employees burglarized the office of the psychiatrist of Dr. Daniel Ellsberg?

Mr. KLEINDIENST. I learned that amazing bit of information some time in the morning of Wednesday, April 25, 1973.

Mr. DORSEN. And how did you learn it?

Mr. KLEINDIENST. Mr. Petersen called me and said that he had a very urgent matter and could he come up to my office. I do not know if I had anybody in there but if I did I got him out. He came up in a minute and handed to me, without saying anything, a copy of a memorandum dated April 16 from Mr. Silbert to himself, a buck slip from him to Mr. Kevin Marony, the Deputy Assistant Attorney General for the Internal Security Section of the Criminal Division, and a memo from a Mr. John Martin to Mr. Marony dated some time that week. I do not recall the date of that. It would have been after April 16 and before April 25.

I read the two memos after I had recovered my composure and had uttered some of my abrupt remarks. He and I then began to discuss the dire serious nature of this amazing revelation. We discussed it for some time. It had a—it had a fantastic potential effect upon the trial of the *Ellsberg* case. It had a—certainly a fantastic potential with respect to the constitutional rights of Mr. Ellsberg, a defendant. And I believe our conversation kicked around until just before noon.

At noon I had an appointment to go with Solicitor General Griswold to the Department of Defense and be with him at a luncheon in his honor by the Judge Advocate General's Corps of the U.S. Army. I remember in the car outlining a hypothetical situation to Dean Griswold as a means by which, as I did quite often to get the benefit of his advice and his wisdom and his counsel.

Prior to the time I went to lunch, Henry and I had arrived without difficulty and simultaneously at two conclusions. No. 1, that we had to transmit this information immediately to Judge Byrne through our chief prosecutor, Mr. Nissen, in Los Angeles, without delay, and No. 2, that because of the explosive—just because of the nature of the situation, that I should immediately contact the President and inform him of this situation and also of what I was going to do.

Before lunch I then placed a call to the White House. Usually when you call and want to see the President they want to know what you want to talk to him about. I was very insistent in this instance to say it was a matter of great urgency but I could not describe the reason for the meeting.

When I got back from my lunch in honor of Dean Griswold, soon thereafter I received a call from the White House that if I could come over right away, I could see the President. I did. I gave him—I had those memos, those papers with me. I had some—I had a couple of cases that, you know, I could discuss, you know, a little note pad, but I did not give those citations. He, without hesitation, one moments hesitation, said that the course of action that I was going to pursue was the only thing possible to be done. He caused the memos to be Xeroxed. He kept a copy of the memos and I left.

The meeting did not last very long because there was no problem in his mind or my mind or anybody else's mind as to what we had to do under the law.

Mr. DORSEN. Did you have an impression one way or the other as to whether this was the first time that the President learned of these events?

Mr. KLEINDIENST. I do not know if I gathered that impression, Mr. Dorsen. I know he was very upset about it. He was very upset about it.

Mr. DORSEN. Did he say whether this was the first time he had heard this?

Mr. KLEINDIENST. To my recollection he did not, and I—I just would not know. The fact that he was so provoked, the language that he used to describe the idiocy of the event, indicated to me that he had not learned of it, you know, except just soon, but I do not believe I asked him—it was not my habit to interrogate the President of the United States and I do not—all I know is he was very, very provoked.

Mr. DORSEN. And was an announcement made later that day?

Mr. KLEINDIENST. Well, either while I was at the President's Office or when I came back the memos were teletyped to Mr. Nissen, my chief prosecutor in Los Angeles, and Mr. Petersen then thereafter gave him instructions as to what he was supposed to do. I believe his instructions were that he was to give them to Judge Byrne and then be guided by Judge Byrne's decision.

Mr. DORSEN. And am I correct that approximately 1 week later you left the Department of Justice?

Mr. KLEINDIENST. Yes. Let me explain the reason for the delay between April 16 and April 25. I think—one of the important things that had to be determined by the Department of Justice before a disclosure of this information would be made to Judge Byrne was whether or not the fact of the burglarization of Dr. Ellsberg's psychiatrist was known to anybody in the Department of Justice at any time before or during Dr. Ellsberg's trial, because that would be one of the most significant inquiries that the judge and the other side would have. Indeed, if it could be made known that any of our attorneys or the prosecutors were aware of this fact and did not disclose it, they would have been guilty of contempt of an order of the judge and they would also have been guilty of dereliction in their duty as a prosecutor of the United States of America.

The Martin memorandum that was addressed to Mr. Marony clearly and unequivocally set out the fact that nobody in the Department of Justice had any advance knowledge of this before or during that trial, and it was—I think Mr. Petersen was delaying bringing this matter to my attention until that fact could be ascertained. So that in no way was Mr. Ellsberg prejudiced, you know, in the trial of this case as a result of either our knowledge of any of the contents and I subsequently learned they did not get any information out of the psychiatrist's office anyway.

Mr. DORSEN. Mr. Chairman, I have no further questions.

Senator ERVIN. Mr. Thompson.

Mr. THOMPSON. Mr. Kleindienst, as I understand it, Mr. Dean came to you shortly after the break-in and indicated that he was looking into the matter for the White House or keeping abreast of the matter for the White House.

Mr. KLEINDIENST. I think he was a little bit more specific than that, Mr. Thompson. The representation that he made to me and to Mr. Petersen throughout was that he was doing this for the President of

the United States and that he was reporting directly to the President. He had been delegated by the President to be posted and informed throughout the course of the investigation to enable him to report directly to the President of the United States.

Mr. THOMPSON. Did you have any subsequent contacts with him that would indicate whether or not he was in fact carrying on what he described his job to be.

Mr. KLEINDIENST. I had no reason to doubt that assertion by him until I met with the President of the United States, Sunday afternoon, April 15.

Mr. THOMPSON. Did he tell you on more than one occasion that he was reporting directly to the President?

Mr. KLEINDIENST. I would say just continuing.

Mr. THOMPSON. Was this a matter that concerned you somewhat?

Mr. KLEINDIENST. No.

Mr. THOMPSON. Exactly what was his role?

Mr. KLEINDIENST. I assumed that that is what he would be doing as counsel to the President.

Mr. THOMPSON. Did you consider this a proper role for a man in his particular position as counsel to the President?

Mr. KLEINDIENST. As counsel to the President?

Mr. THOMPSON. Yes, sir.

Mr. KLEINDIENST. I thought it was what he might have been there for. I had nothing but the highest opinion and estimation of Mr. Dean as a result of the 11½ years he served as a deputy to me when I was Deputy Attorney General and throughout this whole situation.

I have no reason to question that at all.

Mr. THOMPSON. You stated that he approached you concerning the FBI files, and you in effect told him that if the President needed to see a particular file, you would deliver that file yourself.

Mr. KLEINDIENST. Correct.

Mr. THOMPSON. And you did not know that Mr. Gray was giving him files. I assume then, if we can reconstruct this matter, that he approached Mr. Gray after he approached you.

Mr. KLEINDIENST. I don't know.

Mr. THOMPSON. Did Mr. Gray ever tell you that he was giving files to Mr. Dean?

Mr. KLEINDIENST. No, sir.

Mr. THOMPSON. In your relationship with the Director of the FBI, if he was in fact giving files to Mr. Dean, would you consider this a matter that he would properly report to you or discuss with you before he would do so?

Mr. KLEINDIENST. I don't know. I think if Pat, who I—I have a lot of sadness about some of the people involved in this, and I think Pat occupies one part of my heart. I think if Pat Gray had been aware of the fact that John Dean had made this request of me and I had said no or if he had raised the question to me and I had said no, I am certain that Pat Gray would have, you know, complied with my direction.

The only way I can explain it is that I think Pat justified it in his own mind and I think there is a basis for justifying it in his own mind. He had no particular reason to know how I felt about it.

So I guess it is just a subject matter that, when you are busy, as the Director of the FBI and the Attorney General of the United States



are, it just didn't come up. I know if he had told me that I would have specifically directed him not to do so.

Mr. THOMPSON. Mr. Kleindienst, when Mr. Ehrlichman called you on April 14, did he discuss the fact that he was conducting or had conducted his own investigation?

Mr. KLEINDIENST. Yes, he did, and based upon revelations made here, I assume that is one of the calls that was taped. On Saturday afternoon, April 14, I was again out at the Burning Tree Club. I want to tell the chairman that I only play golf on Saturday and I don't do it on Sunday, and a lot of these meetings occurred on Saturday. So I don't want you to think I am completely profligate.

Senator ERVIN. The chairman had to observe that he, the chairman, has never had a golf stick in his hand, he has had too many other things to do.

Mr. KLEINDIENST. I feel sorry for you, Mr. Chairman.

Well anyway, back at Burning Tree: About 3:30 in the afternoon, I got a call from Jan Hruska, Miss Hruska, who is Mr. Ehrlichman's secretary, and she said, "Mr. Kleindienst, Mr. Ehrlichman is going to want you to come down to the White House and see him this afternoon." And I said, "Jan, that is all right with me if I can come down right now because I am going to the White House correspondents' dinner and I have to be at a reception at 6 o'clock and if it is going to be delayed I will not be able to come down." She said, "I will call you right back." A couple of minutes later she called me right back and said, "Where can you be on the telephone at 5:30?" and I said, "I will be at home." She said, "Fine, Mr. Ehrlichman will call you at home at 5:30 p.m." I rushed home from Burning Tree, changed my clothes, and was dressed, ready to go to be there by 6 p.m., so after I talked with Mr. Ehrlichman I could make my 6 o'clock reception.

Mr. Ehrlichman started out, and again, I think he said, "General," but I am not sure, I would like to see the tape of it.

"General, I have been meaning to call you and give you a report but I have been too busy and I haven't been able to do it, but I have got a report to make to you," and I said, "What is that, John?" He said, "I have been conducting an investigation for the President with respect to the possible involvement of White House and campaign personnel in the Watergate situation for the past couple of weeks." And I said, "John, you mean you have been interrogating people with respect to their conduct?" And he said, "Yes, I have," and I think I remember saying, "John, have you talked to anybody who indicated to you that they might have been involved in criminal conduct," and he said, "Yes, that is true." And I said, "John, you want to be very careful; that kind of information should go to the FBI, and if you don't turn it over to the Department of Justice you might find yourself in a situation where you might be an accessory after the fact or obstruction of justice."

My purpose was to try to help Mr. Ehrlichman out and give an indication of what the law was and what can happen if you do certain things. He said, "Well, it doesn't really make any difference any more," and I said, "Why not, John," and he said, "Mr. Magruder has been over here at the White House this afternoon and telling us that he has been meeting with the U.S. Attorney's Office and giving them testimony and evidence that would implicate people high and low in the White House and in the campaign committee." I think I might

have uttered some fantastic indication of surprise and then he abruptly terminated the call, as I remember it, by saying, "Have a good time at the White House correspondents' dinner," and the phone went down.

Needless to say, I didn't particularly enjoy the dinner. Some time that evening I got hold of Mr. Petersen and told him that I had to see him, and this is one aspect of this that I am not precise about.

My wife keeps telling me that I called Henry Petersen first, and I always believed that he called me. But in any event, I left the White House correspondents' dinner early. I usually stay, it gives me an opportunity to gig back members of the press after they have been giggling me all year. And I have so many friends among them. In any event, I decided to leave early. When I got home, I had a conversation with Henry, and he said, "It is important that we get together with you tonight." That was around 12 o'clock. I live out in McLean. He and Titus and Silbert were there by 1 o'clock in the morning.

Mr. THOMPSON. Did you ever have any other conversation with Mr. Ehrlichman as to the findings of his investigation?

Mr. KLEINDIENST. No.

Mr. THOMPSON. Did you ever find out what he in fact reported to the President?

Mr. KLEINDIENST. No. He opened the conversation up by saying that I have been meaning to call you before now, which would indicate that he had intended to do so but hadn't.

Mr. THOMPSON. Your conversation with Titus, and Silbert, and Petersen, was it about 4 hours, from 1 in the morning to about 5 o'clock?

Mr. KLEINDIENST. Yes, sir.

Mr. THOMPSON. Did they tell you the substance of what Magruder and Dean had been telling them, telling the U.S. attorney?

Mr. KLEINDIENST. Yes, sir, and I got some of my wife's personal stationery and made rather copious notes of what they told me so I could report it to the President the next day.

Mr. THOMPSON. Can you recount to us briefly what they told you at that time?

Mr. KLEINDIENST. Well, they in effect summarized the testimony or statements or purported statements of Magruder and Dean, which in one way or another would implicate Mr. Mitchell, Mr. LaRue, themselves, Mr. Haldeman, Mr. Ehrlichman, Mr. Mardian, you name it. It was a very lengthy meeting. This is the first time since June 17, 1972, that anybody had given me any credible evidence that any of these people were involved in any way in either the coverup or that incident.

Two of those men are two of the closest friends I have had in my life and I think one of the things I did that night, I wept. But it was a long meeting, Mr. Thompson, and it was a comprehensive meeting and I made comprehensive notes of what occurred.

Mr. THOMPSON. Do you recall if they told you that Mr. Dean at that time had made allegations against the President concerning Presidential coverup?

Mr. KLEINDIENST. No.

Mr. THOMPSON. They did not?

Mr. KLEINDIENST. They said Mr. Magruder was not looking for immunity and Mr. Dean was bargaining with his attorney for immu-

nity and that his statements to them were on a conditional basis through his attorney predicated upon whether he got immunity or not.

Mr. THOMPSON. You went to see the President on the 15th?

Mr. KLEINDIENST. Yes, sir.

Mr. THOMPSON. The same day.

Did you tell him substantially what they had told you?

Mr. KLEINDIENST. To the best of my ability because I took the notes that I had written on my wife's stationery and had them in my pocket and I read from my notes.

Mr. THOMPSON. And what was the President's reaction?

Mr. KLEINDIENST. He was dumbfounded. He was very upset, he was—he was very upset.

Mr. THOMPSON. I believe you mentioned in an interview that he was partially consoling you.

Mr. KLEINDIENST. Well, I was very upset about this, Mr. Thompson. I don't think since my mother died when I was a young boy that I ever had an event that has consumed me emotionally with such sorrow and sadness as this situation and he was very considerate of my feelings.

Mr. THOMPSON. Mr. Kleindienst, did you have occasion at any time after the break-in in 1972 to talk to the President either in person or by telephone about the Watergate matter?

Mr. KLEINDIENST. I didn't—I know I had a conversation with him almost immediately afterward.

Mr. THOMPSON. Do you recall what was said in that conversation?

Mr. KLEINDIENST. Well, what was said about that is, he said, Dick, I told him what we were doing and he said, Dick, you have got to have a thorough intensive complete investigation of this and I think that that is when he first said let the chips fall where they will.

During the summer, we had the Republican Convention. I was gone for approximately a month up in the Poconos and then the campaign came along. I didn't have many conversations with the President during that period of time, none that I can specifically recall. I had two meetings with him up at Camp David after the election and after I had returned from Europe. We didn't have to talk much about the Watergate, I knew what I was doing, he knew what I was doing, but the extent to which it was brought up was in the same context.

Mr. THOMPSON. Mr. Kleindienst, I have no further questions.

Thank you, sir.

Senator ERVIN. Did John Ehrlichman tell you he was bugging, I use that word unadvisedly, rather recording your conversation with him?

Mr. KLEINDIENST. No, sir. If I ever felt he had I don't know if I would have ever talked to him again.

Senator ERVIN. You stated, as I understand your testimony, that the President indicated by his conversation, when you reported what you knew about the Watergate affair to him, that—

Mr. KLEINDIENST. What meeting are you talking about, Mr. Chairman?

Senator ERVIN. The 15th.

Mr. KLEINDIENST. Yes, sir.

Senator ERVIN [continuing]. That he indicated by his reply that he did not know—that he was ignorant about the Watergate affair?

Mr. KLEINDIENST. Well, I would say that the information, the nature that I described with him, would have come to his attention contemporaneously. If Mr. Ehrlichman is talking to Magruder all afternoon the day before I would just assume, although he didn't say, that Mr. Ehrlichman would have made a report like this to the President. But I would gather from my meeting with the President that he had no such knowledge until immediately prior to my meeting, Mr. Chairman.

Senator ERVIN. Now, do you agree with me that of all of the human beings on the face of the Earth that the one who knows most about this is the President himself, that is, about the President's state of knowledge?

Mr. KLEINDIENST. You mean the one person who most—knows most about this situation?

Senator ERVIN. The one who knows more about what the President's state of knowledge was between June 17, 1972, and April 15, 1973, is the President himself?

Mr. KLEINDIENST. Well, Mr. Chairman, I would agree that the President knows more about what he knows than I know what he knows.

Senator ERVIN. That is what I meant.

In July, sometime between July 7 and August 9, I believe you said, John Ehrlichman called Henry Petersen and entered a protest that the prosecuting attorneys were harassing Secretary Stans because they were calling upon him to perform an obligation which devolves upon all citizens of the United States.

Mr. KLEINDIENST. That is essentially it. I think Mr. Petersen will be a better witness as to the consideration between Mr. Ehrlichman. My attention really wasn't so much consumed with what Ehrlichman said to Petersen and Petersen said to Ehrlichman. I was interested in Mr. Ehrlichman not giving directions to people in my department.

Senator ERVIN. Yes.

Here was a person that had been delegated by the President with tremendous governmental power, John Ehrlichman, undertaking to dictate to the Department of Justice how witnesses should be treated?

Mr. KLEINDIENST. Yes, I think Mr. Ehrlichman made a mistake on that; he never did it again and he probably wishes he hadn't done it.

Senator ERVIN. As I understand from your testimony—if I am wrong you let me know—you agree that Assistant Attorney General Petersen could excuse Stans from going before the grand jury and let him testify by deposition in some private offices or public offices apart from the grand jury?

Mr. KLEINDIENST. Mr. Petersen made that recommendation to me and I will take the full responsibility for that, Senator Ervin.

Senator ERVIN. Well, that troubles me a little bit because of my conviction that all men, regardless of whether they are princes or peasants or former Cabinet members and just ordinary Americans, ought to be treated equal before the law.

It also gives me misgivings for another reason. Under the statute we have grand juries composed of anywhere from 16 to 23 men, and it is a part of the judicial process that they shall have an opportunity to cross-examine a witness.

Mr. KLEINDIENST. May I make a point right there, please? I think one of the things Mr. Petersen said to me when we discussed this thing was that if the grand jury, when they received his written testimony, had any reason for wanting to interrogate Mr. Stans directly, that then Mr. Stans would be required to go before the grand jury.

Senator ERVIN. Do you not agree with me that a grand juror could cross-examine Mr. Stans better than he could a piece of paper or words on it?

Mr. KLEINDIENST. I think, and I am not trying to rationalize or debate the matter with you, Mr. Chairman, you take the situation in the context I found it; there was no reason to suspect Mr. Stans of illegal conduct. I know that in this administration with, say, very important Democratic officials, they had had a procedure like this, but I think now with the hindsight that we are able to exercise, maybe I would have done something different.

Senator ERVIN. I think that when John McCormick was excused from going before the grand jury that was also an affront to justice.

Mr. KLEINDIENST. I am not prepared to dispute that, Senator. That is why I personally will take the responsibility for that.

Senator ERVIN. I am not saying anything, I am not insinuating there is anything more than error of judgment. I would like to make that plain.

Mr. KLEINDIENST. I want to make it clear here I am not trying to impose responsibility for that decision on anybody else but myself.

Senator ERVIN. And I might confess that I have an overriding sense of curiosity as to what Secretary Stans stated in his deposition. I have asked for copies of the deposition but it appears not to be forthcoming.

Mr. KLEINDIENST. There is another law, I think, Senator Ervin, that precludes or prohibits the disclosure of testimony before a grand jury to anybody.

Senator ERVIN. Yes. I am not asking for testimony before the grand jury. I am asking for the testimony taken before the prosecutor. That is quite a different situation.

Mr. KLEINDIENST. That was testimony taken for the purpose of the grand jury and it was given to the grand jury.

Senator ERVIN. But I know of no law which exempts testimony taken before prosecutors. It is only testimony taken before grand juries. I do not want what was taken before the grand jury, I want what was taken before the prosecutors.

Now this troubles me not only from the fact that Secretary Stans, notwithstanding the fact I think Presidents and Secretaries have feelings like the rest of us and are entitled to no special consideration, but it also troubles me.

I will just make one other observation, rather, a question. This causes me misgivings because Secretary Stans testified before this committee that the treasurer of his committee disbursed in cash thousands of dollars to Liddy, that his treasurer remonstrated about the unwisdom of disbursing this money, and that, in spite of his remarks, that he went and talked to Mitchell about it and that it is quite possible that if Stans had gone before the grand jury, some inquisitive grand juror might have broken this whole story in July or August 1972 and this Nation might have been spared the agony it has gone through since.

Do you know whether Stan's attorneys were given a copy of the deposition?

Mr. KLEINDIENST. No, I do not, sir.

Senator ERVIN. I appreciate your commendation of the FBI investigation. A lot of innocent things sometimes impede an investigation. For example, this committee has information to the effect that the only question asked of Sloan, who had disbursed thousands of dollars of campaign funds in cash, was whether Baldwin, the man who bugged the Watergate from the Howard Johnson Motel, was on the committee payroll.

Mr. KLEINDIENST. I find that hard to—I am not saying that that is true—not true, but you know, until Judge Sirica entered an order which compelled me and other officers of the Department of Justice from discussing this thing, and because of the political nature of it and certainly to—it was with great pride that I was publicly saying all over the United States the nature of our investigation. I think I referred to the fact that as of that time, the middle of the summer, before they went to the grand jury, 14,000 man-hours, 1,700 witnesses, 333 agents, 53 out of 59 field offices, some witnesses interrogated 2 and 3 times, practically everybody at the campaign committee, people at the White House, and I thought that was a remarkable achievement of the FBI and I think the FBI is a great institution.

Senator ERVIN. Well, I do, too, but I think that maybe like Homer sometimes, they might nod just a little bit.

Mr. KLEINDIENST. Well——

Senator ERVIN. I know one thing——

Mr. KLEINDIENST. They are human beings, too.

Senator ERVIN. From my long experience in the practice of law, that if you do not ask the right questions you do not get the right answers.

Mr. KLEINDIENST. But again, I think, Senator, and I am not saying this to self-serve myself, but for the career people of the Federal Bureau of Investigation in a very, very unusual situation, I have nothing but pride and admiration for their professionalism and their constancy and as I say, giving the Congress its due, giving the press its due, giving the judiciary and Judge Sirica its due, I am sad to say that not enough has been given to the career people of my Department and the FBI for what they did in this situation. And I want to be here to make that testimony for them.

Senator ERVIN. Yes. Well, I appreciate your loyalty to them and I trust they are deserving of it.

We do have testimony before this committee from Mr. Sloan that he told some of the prosecuting attorneys about the disbursement of this money to Liddy and also about the fact that Magruder had attempted to persuade him to commit perjury rather than reveal the truth, and that he did that before the indictments were returned.

Mr. KLEINDIENST. I did not know that.

Senator ERVIN. Mr. Ehrlichman, who expressed an opinion on many points, said that the reason that they did that, he thought, was because they decided that they would try the case in their own minds and they decided that Magruder was telling the truth and Sloan was not.

Mr. KLEINDIENST. Well, you know, when you have a—in our system of justice, as you know, Senator Ervin, you have to have evidence to indict somebody. We do not put people on the rack and extract the truth out of them. We do not crush their fingernails or beat them over the head. And prosecutors, if they are responsible, they should not, it seems to me, on mere allegation or suspicion, seek——

Senator ERVIN. Well, I am not.

Mr. KLEINDIENST [continuing]. Seek the indictment of somebody without evidence.

Senator ERVIN. I am just pointing out the fact that these facts did exist. I do not avert that human errors of judgment sometimes impede us from reaching a conclusion.

Mr. KLEINDIENST. Sure. Sure.

Senator ERVIN. And I do not want you to think that any questions I have asked you or any observations I have made reflect or are intended to reflect in any way on you. My contacts with you have impressed me with the fact that you are a rather forthright individual and I think that this whole thing might have been avoided if people, some other people in the Government emulated your example when you told John Ehrlichman and John Dean there were certain things you would not permit to be done.

Mr. KLEINDIENST. Well, I am a human being and I make my mistakes and have my fallibilities, Senator Ervin.

Senator ERVIN. Senator Baker.

Senator BAKER. Mr. Chairman, thank you very much.

Mr. Kleindienst, I would reiterate what the chairman has just said. As a matter of fact, I had planned to call attention to what I believe to be a series of facts and circumstances to which you have testified or about which this committee has taken proof from other witnesses that seem impressive to me in the context of the questions I am about to ask you.

It appears that when on June 17, 1972, you were approached on trying to get these Watergate burglars out of jail, you in fact said no, they are going to be treated like everybody else. Is that essentially correct?

Mr. KLEINDIENST. Yes, sir.

Senator BAKER. And when John Dean asked for FBI files, you in effect said if the President wants FBI files, let the President ask, but you are not going to get them, is that right?

Mr. KLEINDIENST. Yes, sir; or anybody else.

Senator BAKER. And when John Ehrlichman called your people and complained and then called you to complain about the way certain matters were being handled, you told John Ehrlichman, don't you talk to my people any more. If you want to talk, talk to me. Is that essentially correct?

Mr. KLEINDIENST. Yes, sir.

Senator BAKER. And when you received information about the Ellsberg break-in, you found it to be of extraordinary importance and you went to the President and talked to him about it.

Mr. KLEINDIENST. Yes, sir.

Senator BAKER. When on April 15, 1973, the U.S. Attorney's Office and others came to you at the late hours of the night and laid out a detailed case of extraordinary involvement by White House officials

and the Committee To Re-Elect officials, apparently you promptly set up a meeting with the President; is that right?

Mr. KLEINDIENST. Yes, sir.

Senator BAKER. And you told the President about it.

Mr. KLEINDIENST. Yes, sir.

Senator BAKER. And when you told the President about it, you wrote a note on the spot virtually saying that because of my personal and professional relationship with some of the people that may be charged with crimes, mentioning John Mitchell and others, that I recuse myself and require, Petersen, that you assume these responsibilities and act as Attorney General; is that right?

Mr. KLEINDIENST. Yes, sir.

Senator BAKER. Well, on that basis, Mr. Kleindienst, I join in the chairman's statement. I think if more people had acted in that way that the great trauma that we know as Watergate might very well not have happened or not continued, at least not into the coverup phase.

Now, let me move on, then, to two or three other things. The chairman and I joust from time to time about that grand jury appearance and at the time the matter first came up I confess I did not know there was legal precedent for taking proof outside the presence of the grand jury and that proof—that precedent was brought to my attention. So as the chairman properly says, it is not illegal to take depositions and submit them to the grand jury. It then becomes just a matter of judgment as distinguished from illegality.

I still confess I am surprised at that procedure and that precedent for it exists through the appellate courts. But, nevertheless, I believe you have now indicated that in hindsight, and we are blessed with hindsight in this hearing, that in hindsight it might have been better to do it another way.

Let me ask—

Mr. KLEINDIENST. That is one of the difficulties of being a prosecutor. You know, we have facts and circumstances at the time and then in a proceeding such as this, and I think the chairman knows that I am in hearty approval of these proceedings, or, let us say, a special prosecutor can come back in and look over your shoulder and say, now with all the facts before us, you know, why did you use such bad judgment and did what you did? That is the difficulty of being Henry Petersen or Dick Kleindienst or Earl Silbert, you know.

Senator BAKER. That is the penalty for being a U.S. Senator, too. You look back and say why did I vote the way I did on a particular measure sometimes?

Mr. KLEINDIENST. I raised that question in my mind. [Laughter.]

Senator BAKER. Well, I have raised that question in my mind about the Justice Department a few times. I guess we are about even. But what I am really going to get into next will be the final preamble to the rather more detailed—rather more philosophical inquiry. I would like to know in greater detail about the conversation Mr. Thompson asked you about with the President about 1 o'clock in the afternoon on April 15, 1973.

By the way, I assume that conversation was taped if it was in the EOB office. You knew those conversations were being taped?

Mr. KLEINDIENST. No, no, I did not.

Senator BAKER. Have you ever asked for a copy of that tape?



Mr. KLEINDIENST. Well, I have written a letter to Mr. Wilson, the attorney for Mr. Haldeman and Mr. Ehrlichman, making a demand upon them to furnish me copies of any tapes they have in their possession and I have likewise written a letter to Mr. Garment to request copies of any tapes that they have in their possession between me, Mr. Ehrlichman and Mr. Haldeman.

Senator BAKER. Have you had a reply to that?

Mr. KLEINDIENST. No, sir; I have not.

Senator BAKER. Would you like to join us in a lawsuit? [Laughter.] No, I withdraw that question.

Could you—you did refer to notes, rather extensive notes that you took. Are those notes in your possession?

Mr. KLEINDIENST. No, sir, they are not, and I have tried to find them.

For a hard-nosed 50-year-old geezer like myself, I was in kind of a state of shock from April 15 to April 29 and I don't know what happened to them, Senator BAKER.

Senator BAKER. All right.

Well, let's try to reconstruct it for a little while and I hope somebody is keeping time on me because I don't want to run over 10 minutes.

Rather than go through a detail twice, that is, when you took notes, the second time when you told the President, let's talk about what you told the President.

Mr. KLEINDIENST. Well, I told him what I had written down on my notes.

Senator BAKER. All right. What was——

Mr. KLEINDIENST. I took copious notes.

Senator BAKER. What was that?

Mr. KLEINDIENST. Well, it was the summary of the statements made to me primarily by Mr. Silbert, what Mr. Magruder had been telling the prosecutors for a week and what Mr. Dean had been telling them for a week, and it was with respect to particular individuals. The primary thrust of it was the efforts made by many to—you used the term "coverup"—to cover up, you know, and to obstruct the FBI investigation of the Watergate incident during the summer. It described these meetings from Magruder's point of view with Mr. Mitchell, the three meetings. It—Mr. Dean apparently was telling them information and conduct by him that was completely inconsistent with everything that Mr. Dean was telling me from June 17 up until, you know, shortly before April 14.

I don't pretend to recall——

Senator BAKER. There are two or three points.

Let me try to reduce it to that. The information you received from the prosecutors on the early morning of April 15, 1973——

Mr. KLEINDIENST. Yes, sir.

Senator BAKER [continuing]. Essentially was a repeat of the Magruder and Dean testimony before the U.S. Attorney for the grand jury.

Mr. KLEINDIENST. That is all it was.

Senator BAKER. All right.

And in that I assume from the testimony we have received from Magruder and Dean they were saying in effect that they didn't know about it or—well, let me think now. Dean I guess would have said he

didn't know about it beforehand and began to suspect afterward and told the President or rather assumed that the President knew something in September 1972. I am thinking of the Dean testimony now.

Mr. KLEINDIENST. No.

Senator BAKER. Did that ever come out?

Mr. KLEINDIENST. To the best of my recollection the information given to me by Mr. Silbert did not and the notes I took did not in any way implicate the President of the United States.

Senator BAKER. Did you mention the September meeting?

Mr. KLEINDIENST. I can't recall any specific dates, Senator Baker.

Senator BAKER. If you had to judge would you say that there was any part of that conversation that said that the President knew or had reason to know of the—

Mr. KLEINDIENST. Nothing.

Senator BAKER [continuing]. Alleged coverup prior to March 1973?

Mr. KLEINDIENST. Nothing was said to me that night that would implicate the President of the United States, to my recollection.

Senator BAKER. We have evidence that Mr. Dean talked to the President in March. Now obviously the President knew something. I am not quite sure what Mr. Dean told the President. But we have his testimony before us.

Mr. KLEINDIENST. I don't know either. Mr. Petersen I understand is going to be called to testify. He has had quite a traumatic experience in this, too. I don't think as intense as mine. He has a very good memory and recollection and I think I would really rely or be willing to rely more on Henry's recollection of the information he got before that meeting and what they gave me that night.

Senator BAKER. All right.

Let's go to the meeting with the President, then, if we depend on Mr. Petersen to tell us what he told you and elaborate that subject matter further with that witness.

Mr. KLEINDIENST. All right.

Senator BAKER. I must ask you, Mr. Kleindienst, a little more about the President's reaction. Particularly, did he give the appearance of a man who received the impression the first time or one who had some familiarity with the subject matter.

Mr. KLEINDIENST. Well, he gave me the impression of a person who either received it from me the first time or at least contemporaneously. The reason why I put that qualification on it is as a result of Mr. Ehrlichman's telephone call to me the evening before at 5:30, and I would guess, and I am now speculating that based upon—you know the proximity of Mr. Ehrlichman to the President that if Magruder was up there in the White House Saturday afternoon telling them what he had been telling the U.S. Attorney's Office, I have just got to believe that Mr. Ehrlichman called up the President and said I have just talked to Magruder and I have got some very interesting information for you. But I know the President's attitude in response to the information that I gave him was such that it was at least of a contemporaneous knowledge and one of—well, he was just very upset about it and he was very concerned about it and he was very hurt by it and he was very troubled by it.

Senator BAKER. Did he make any statements that he had heard this from Dean before or hadn't or did he make any statements, "This

is the first time I ever heard this," or any statements to the effect that, "I had wondered about it, but when you tell me, Dick, I believe it"? I am just trying to fantasize.

Mr. KLEINDIENST. Not that I recall, Senator. And I was very upset that day. I know John Mitchell is one of the best friends I have ever had. I love him. I admire him. And I just—it just broke my heart that his name was even mentioned in this thing and the President was spending part of his time to help me with a personal situation. But I do not recall the President said anything like that.

Senator BAKER. Well, I guess the summation, then, of your recollection is that the President gave the impression of receiving the information for the first time or having received much of the information shortly before your meeting with him.

Mr. KLEINDIENST. Shortly before. Yes, sir. That is how I would interpret his conduct, what he said, his demeanor, and his attitude.

Senator BAKER. And you have requested tapes of—copies of tapes or opportunity to listen to—

Mr. KLEINDIENST. I have not requested copies of tapes of meetings I have had with the President of the United States. I have requested copies of tapes with Mr. Ehrlichman and Mr. Haldeman.

Senator BAKER. I believe I will yield at this point, Mr. Chairman.

Senator ERVIN. Senator Talmadge.

Senator TALMADGE. Mr. Kleindienst, why did you resign as Attorney General of the United States?

Mr. KLEINDIENST. Well, it was just a combination of events, Senator Talmadge. I had to recuse myself on the morning, the afternoon of April 15. I suppose the most pressing, important, significant matter before the Department of Justice as of that date was this Watergate situation, which meant that I as the Attorney General could not act as the Attorney General in our most significant matter.

Then came the Ellsberg psychiatrist burglary. Then came the situation with respect to Mr. Gray and the documents that he received and subsequently destroyed.

By the time those events had unfolded in my life, I really had arrived at the conclusion in my own mind that I could no longer function as the Attorney General of the United States. And here I am back at Burning Tree again. But that weekend, prior to April 29 they had a member-member golf tournament and I remember talking to four people out there whose judgment I respect a great deal, prior to Sunday morning, and told them of my decision. Three agreed with it and one disagreed, the one being one of my Senators from Arizona. I then had determined my own mind on the following day, Monday, to tell the President that I had to leave the office of Attorney General. It was an impossible situation for me, Senator, and then around noon of that day I got a call from the White House the President wanted to see me and I remember saying to myself and to them, two of these gentlemen, that I am glad that I am going to be able to see the President today, I didn't know what he wanted to see me about and I would be able to give him my decision, and then that was the Sunday when he discussed with me the resignation of Mr. Haldeman and Mr. Ehrlichman and Mr. Dean and the appointment of Attorney General Richardson.

Senator TALMADGE. Would it be fair then to summarize your resignation by saying you had a feeling of unhappiness and frustration about the turn of events?

Mr. KLEINDIENST. Then also, Senator Talmadge, you can't I think, from the standpoint of our fellow citizens, maintain an appearance that justice is being evenly and impartially administered when you have a person such as I who is in the office, even though I recused myself, and been involved in the investigation and the criminal justice process with respect to men like Mr. Mitchell and Mr. Mardian, in the proximity that I had with them, and have names like Mr. Halde-man, and Mr. Ehrlichman, and Mr. Dean, Mr. LaRue, and other men with whom I had had a very close intimate relationship for some 41½ years, it just seemed to me that from the standpoint of the administration of criminal justice in the United States that Richard Kleindienst should no longer be the Attorney General and it was the saddest realization I have ever had to make in my life.

Senator TALMADGE. There is one other thing I don't understand and Senator Baker touched on it. You indicated in your conversations with the President of the United States when you informed him of events that you had discovered from the Assistant Attorney General of the United States' testimony in the grand jury room, an element of surprise by the President of the United States and perhaps a previous lack of knowledge of those events, yet the President's statement himself that he issued indicated startling new information was discovered on March 21. Now your conversation with the President was some 3 weeks subsequent thereto. Apparently the President had had previous startling information. Do you have any idea what that was?

Mr. KLEINDIENST. No, sir.

Senator TALMADGE. Would you testify again that to the best of your knowledge, of course, you are a skilled lawyer, that the President at this time he talked with you indicated no previous knowledge whatever of that subject matter?

Mr. KLEINDIENST. Senator, he might have said something to me going back to March 21. I have no recollection of it. And I don't think that I would be a reliable person with respect to precise recollection on the events that occurred on April 15. I was up all night, I went to bed at 5 a.m., didn't get any sleep, I got up out of bed at 8:30 a.m., and I don't think I would trust myself as, you know, a precise witness on the events of that day.

Senator TALMADGE. There is one other thing you may want to comment on and that is this famous taped conversation that Ehrlichman made of you, and you are quoted in there as "Sirica is really lousing this thing up." What did you mean by that?

Mr. KLEINDIENST. I had to call Senator Weicker and Judge Sirica the day after this amazing document hit the streets, and Judge Sirica is one of the fine Federal judges in the United States. He and I are close personal friends. I have nothing but the highest estimation for him. Also, as a lawyer, Senator Talmadge, I have never publicly said a critical or derogatory thing about a judge in my life.

What I meant by that statement was that as a result of the sentencing procedures of Judge Sirica, and I think that lawyers could argue, you know, as to the propriety of it, and there is a means by which you test that out in an appeal, not in public statements. It prevented us from getting Liddy, Hunt and the other five back before a grand jury after their conviction and sentencing immediately to interrogate them under immunity to find out what they knew. They did not testify at their own

trials and it is a standard procedure that the Department of Justice, Senator Talmadge, as your prosecutors everywhere, if you have a conspiracy-type situation when you have convicted a person or persons and they are sentenced, then you bring them back before a grand jury, put them under oath and give them immunity and say now tell us everything you know, and if they refuse to do so they can be punished for contempt. That is what we wanted to do. Judge Sirica as a result of his sentencing procedures, and I know Judge Sirica believes firmly because he is a firm believer, that he was doing the right thing. It just did not suit our purposes at the Department of Justice, we wanted to get at Liddy and Hunt and the rest of them immediately.

Senator TALMADGE. One final thing. I believe you testified that you had written Mr. Garment, counsel to the President, requesting copies of the tapes Mr. Ehrlichman made of your conversation?

Mr. KLEINDIENST. Yes, sir.

Senator TALMADGE. Has your view of executive privilege changed since you testified before congressional committees on April 10, 1973?

Mr. KLEINDIENST. From the standpoint of the law and the Constitution, my opinions as a lawyer have not changed. And I was rather flattered that Attorney General Richardson, who I think is a much better lawyer than I, came up with essentially the same opinions from the standpoint of policy, and I never got around to my second round, Senator Talmadge. My first testimony was as a lawyer talking about the Constitution and then I was prepared the next week to go up there on behalf of the administration and discuss the policy with respect to executive privilege.

As a matter of constitutional concept it is exactly what it was then in the standpoint of policy, I think executive privilege should be used very sparingly as it has been throughout history.

Senator TALMADGE. You do not believe the evidence of a coverup of a crime would come under the purview of executive privilege, do you?

Mr. KLEINDIENST. Senator Talmadge, if the President of the United States wants to exercise, based upon the doctrine of the separation of powers, a privilege not to give to the judiciary or to the Congress of the United States any document in his possession, I think under the Constitution that is his constitutional right.

Senator TALMADGE. Even if it is evidence of a crime not related in any way whatever to the performance of his duty and office?

Mr. KLEINDIENST. Yes, sir; that is my opinion. I said that several months ago.

Senator TALMADGE. Did you not write a memorandum different from that at one time? I thought I had read it on one occasion.

Mr. KLEINDIENST. Gee, if I did—

Senator TALMADGE. I thought I saw a memorandum that you stated on one occasion, where, if the President could prevent a witness from appearing before a committee, that he could protect all of the several million Federal employees in the performance of their duty.

Mr. KLEINDIENST. Well, the only memorandum I know I wrote was the testimony that I gave before the U.S. Senate and that was prepared testimony that I read. I am not familiar with any other memorandum that I wrote myself, Senator Talmadge, and that document is before the U.S. Senate, that document and my testimony.

Senator TALMADGE. And you would state again that no matter how heinous the crime may be, the evidence of that is in the President's possession, and in no way related whatever to the performance of a governmental duty, it would still come under the doctrine of executive privilege?

Mr. KLEINDIENST. Well, under my understanding of the Constitution and the law, and incidentally, there are not any cases in this area. I think the last case in the Supreme Court was around the year 1830 having to do with a post office contract. There just is not any literature on the subject matter and the reason why there is not is that this throughout the decades has been a political matter, you know.

Senator TALMADGE. So your conclusion is based on a judgment rather than judicial interpretation?

Mr. KLEINDIENST. My understanding of an interpretation of the Constitution of the United States, a document that I revere very much.

Senator TALMADGE. And I am certain that you do, but I do not see how a government can function if we take the position that each of the three separate branches of government are a government unto themselves and not subject to the system of checks and balances that must be applied to all.

Mr. KLEINDIENST. Well, I think as a result of events and circumstances and what I read in the newspaper, that question might soon be answered for us by the judiciary.

Senator TALMADGE. Thank you very much, Mr. Kleindienst. I have no further questions.

Mr. KLEINDIENST. Thank you.

Senator ERVIN. Senator Gurney.

Senator GURNEY. Mr. Kleindienst, some of the people in the White House who have been before us as witnesses were not too happy about the appointment of this committee. As a matter of fact, they were rather concerned and nervous about it. You had a reaction. What was your reaction?

Mr. KLEINDIENST. Well, I think my reaction was this. I think under our Constitution with its great protections for individuals who are accused of crimes, that, first, you should prosecute somebody under the law so that they are guaranteed their rights under the Constitution and they can get a fair trial, and I think—I am now an individual, I am not an officer of the United States, and many might disagree with my opinion—I think I would have preferred to have permitted the Department of Justice to go ahead and prosecute each based upon the evidence and then I have always said that there is an appropriate forum for the Congress of the United States to publicly go in and examine the conduct of public officials. Now it is said that the public's right to know is more important than whether or not two or three people are prosecuted. My personal feeling is that the public's right to know should not be paramount to safeguards specifically inserted in the Constitution of the United States for the protection of an individual. Because the essence of our Constitution is that it seeks to protect individuals and not society, you know. I guess we can all debate this.

I have never uttered a word in my life that the Congress of the United States or Senate of the United States should not ever be vigi-

lant and available to examine the conduct of public officials in the exercise of their public trust.

Senator GURNEY. Well, that was my recollection, setting the timing aside of when we would hear them and when the prosecutors would examine and prosecute. As I recall, you publicly stated this was probably a good forum and a healthy thing for the political side of the country.—

Mr. KLEINDIENST. Yes.

Senator GURNEY [continuing]. To inform the public.

Mr. KLEINDIENST. We are consumed now, it seems to me, with the negative aspect of Watergate and very few people, it seems to me, at a time to write about the triumphs of this situation. The triumphs are many. It proves to us that the institutions of freedom in this country are vital and that they are at work. People say that we don't have freedom of the press. We have the most free press in the world. Our criminal justice system works, our judiciary works, the Congress works, and then also out of all of this, and I have been a citizen politician for many years, I think as a result of these tragic revelations that voluntarily politicians and officeholders in this country for decades are going to have imposed upon them a higher standard of conduct than they have had before. I don't think any candidate running for any high office in this country is ever again going to want to say you are involved in a Watergate situation. You can't legislate morality, you can't legislate men's hearts, and I think that really the decades ahead for my children, my grandchildren, is going to show and demonstrate a much higher level of conduct in American politics and that is a great achievement.

Senator GURNEY. Well, I couldn't agree with you more. I think you are absolutely right. I think it will have a ventilating and a cleansing effect, and I think politics and government will be the better for it.

Mr. KLEINDIENST. Some people have despair, but our country is so great and so strong that the idiocy of a few people, you know, can't shake the foundations of this great society and this great democracy.

Senator GURNEY. On this same subject of good and bad, put it that way, I would like to examine into this FBI thing a little more because I think the FBI has been a great institution in this country.

Mr. KLEINDIENST. And still is.

Senator GURNEY. And still is. And from the evidence and testimony I have heard, I think they did a pretty thorough job, but I would like to examine one or two little aspects of perhaps why they weren't able to come a little closer to finding out some of the broader implications.

For one thing, when FBI people interview, they do it on a voluntary basis, don't they, and they can't swear a witness, they simply go and interview him?

Mr. KLEINDIENST. And also if somebody is a punitive defendant, he has the right to take the fifth amendment and not talk to them.

Senator GURNEY. He doesn't have to meet with them if he doesn't want?

Mr. KLEINDIENST. Also, people lie to the FBI. Unless you have some evidence brought forth by somebody else, because of our protection of due process, the FBI doesn't get the guy, slam him against the wall, and crack him between the teeth and say, "Tell me the truth." We prohibit that kind of interrogation.

Senator GURNEY. The problem, I guess, was that there was a coverup and people weren't advancing information.

Mr. KLEINDIENST. I have arrived at that conclusion, Senator Gurney.

Senator GURNEY. I think that is what we found here in these many weeks.

Mr. KLEINDIENST. Yes, sir.

Senator GURNEY. One question on that meeting with the President. I am not sure that it was covered.

Mr. KLEINDIENST. What meeting is that?

Senator GURNEY. This is the April 15, Sunday meeting.

Mr. KLEINDIENST. Yes, sir.

Senator GURNEY. Did the President ever—did he tell you in the meeting what he had been advised previously by John Dean?

Mr. KLEINDIENST. No, sir; not to my recollection.

Senator GURNEY. That was not discussed?

Mr. KLEINDIENST. No. I was more interested in telling him what I knew and then dealing with the consequences of that knowledge on my part, my own deep feelings and what to do next. The decision to—my recommendation to—have Henry Petersen act in my place and stead—getting Henry—Henry was working on his boat and came into his first meeting with the President with tennis shoes and a dirty T-shirt, very embarrassed—going back to my Department—executing a document by which I recused myself, and then going home.

Senator GURNEY. Your logs show a number of phone calls and meetings during this period of time from the June 17 break-in until, well, through almost your resignation, phone calls with Colson, for example. Did those cover Watergate at all?

Mr. KLEINDIENST. I never recall ever talking about Watergate with Mr. Colson.

Senator GURNEY. There are also a number of telephone conversations with Mr. LaRue. Did you ever discuss Watergate with him?

Mr. KLEINDIENST. Never.

Senator GURNEY. And also one or two with Haldeman. Did you discuss Watergate with him?

Mr. KLEINDIENST. Never.

Senator GURNEY. There were a few phone calls with Mr. Krogh. What were they the subject of?

Mr. KLEINDIENST. I think that was brought to my attention by Mr. Haire of your committee yesterday, that I had some conversations with Mr. Krogh on Monday the day before the general election. I think you will also see on that day there must have been 60 or 70 calls, and I had meetings with Mr. Colburn who was Director of the U.S. Marshal Service and Chief Wilson of the Metropolitan District Police. Those conversations had to be with respect to problems involving demonstrators in anticipation of the election returns the next day.

Senator GURNEY. They had—

Mr. KLEINDIENST. Mr. Krogh, one of his assignments was to coordinate on behalf of the White House, District of Columbia, and Department of Justice in this situation; nothing with respect to this situation, Dr. Ellsberg, or anything else. I never heard of the so-called Plumbers until it became publicly revealed.



Senator GURNEY. Did the President at any time during all of this period over time instruct you to go soft or slow upon this FBI investigation?

Mr. KLEINDIENST. Never at any time.

Senator GURNEY. One thing about these affairs is that some people get brushed with tar when I don't think that is probably a fair thing. I must say as far as you are concerned, I think this is a good time to bring it out, that when you departed you were lumped with Haldeman, Ehrlichman, and Dean. I thought this was most unfortunate myself because actually you were not in their class, I guess we might put it that way, in any respect.

Do you want to comment on that?

Mr. KLEINDIENST. No, the President asked me whether I would consent to have my name mentioned that following night. I did, and I would prefer not to make any other comment about it.

Senator GURNEY. But in any event, your resignation was your own decision, and you were the one who suggested to the President that you resign?

Mr. KLEINDIENST. Yes, sir.

Senator GURNEY. Thank you, that is all.

Senator ERVIN. Senator Inouye?

Senator INOUE. Thank you very much.

Mr. Kleindienst, in response to a question relating to the famous conversation you had with Mr. Ehrlichman which was electronically recorded, I believe you said that you just couldn't find the appropriate words to describe this, but you used two words, that it was reprehensible and unethical.

Now, was it reprehensible because Mr. Ehrlichman could make self-serving statements, whereas you, not knowing that this was being recorded, would make statements publicly—

Mr. KLEINDIENST. I think my attitude is a little more subjective than that, Senator. I have never taped a telephone call in my life. I have never had it transcribed or written down.

I think on a couple of occasions since I was in the Department, because of an unusual call I had my secretary make notes on another line. That was a very unusual situation.

But when you are dealing in good faith with people who you regard with trust and confidence, who are with you discharging a mutual obligation and undertaking, in this case on behalf of the President of the United States, to me it is the grossest breach of good faith imaginable for one person to make a tape recording of that conversation without telling the other person. If I had suspected that Mr. Ehrlichman was doing that without telling me I would never speak to him again.

Senator INOUE. On April 15, at about 1 p.m., you have testified that you had a meeting with the President to advise him of the conversation you had at your home early that morning.

Mr. KLEINDIENST. Yes, sir.

Senator INOUE. Where was this meeting held?

Mr. KLEINDIENST. In my home.

Senator INOUE. I mean with the President.

Mr. KLEINDIENST. Oh, in his office in the Executive Office Building.

Senator INOUE. Were you aware that this office was electronically wired to tape your conversation?

Mr. KLEINDIENST. No.

Senator INOUE. You didn't consider that reprehensible?

Mr. KLEINDIENST. Well, if I was ever president of a chamber of commerce I wouldn't do it. I will never be President of the United States. I don't like it and I was surprised to learn of it and I think I was in Europe a couple of weeks ago when I heard of it and I gave one of my characteristic attitudinal responses. I don't personally like it but I do differentiate between a President and somebody like Mr. Ehrlichman talking to me, both of us who are working on behalf of the President when our business was for the President of the United States.

Senator INOUE. Then you had another conversation later that month at which time you advised the President of the break-in in Dr. Fielding's office. Where was this meeting held?

Mr. KLEINDIENST. That was likewise in his office at the Executive Office Building.

Senator INOUE. And you were not aware that this conversation was recorded?

Mr. KLEINDIENST. No, sir; I did not know that any conversation that I had with the President of the United States was recorded until a couple of weeks ago when I was in Europe on business.

Senator INOUE. In July 1972, you have testified that you received a call from Mr. Ehrlichman relating to Secretary Stans' appearance before the grand jurv. And you have testified that you felt that Mr. Ehrlichman was involved in an act constituting obstruction of justice. I believe you used these three words.

Mr. KLEINDIENST. No; it could have been construed as that. I was. I think my attitude then was that Mr. Ehrlichman, and I had to feel then he was pressed with burdens that the President imposed upon him or he imposed upon himself. He had no background or experience in the criminal law. I just thought it was kind of a stupid mistake that he made, and I was more concerned, Senator, to have a very precise clear understanding with Mr. Ehrlichman that that would not happen again in the future.

Senator INOUE. Did you not think this was important enough for your reporting to the President personally?

Mr. KLEINDIENST. No. He treated it lightly at the end, said, do not worry about it. It will not happen again.

I called the President of the United States very seldom in my 4½ years in the Government. I tried to not impose myself upon him or insinuate myself upon him. I was prepared, however, to request a meeting immediately with the President if Mr. Ehrlichman had persisted in his original attitude that he would feel free to do this because I said, John, I said, then I will come down and we will meet with the President and if the President tells me that that is—you have that authority, then I will submit my resignation as the Attorney General of the United States.

It was not necessary for me to have that meeting, Senator.

Senator INOUE. Mr. Kleindienst, you have testified that when you first learned about the break-in, I believe from Mr. Petersen, that your reaction was one of shock.

Mr. KLEINDIENST. On the break-in?

Senator INOUE. Yes.

Mr. KLEINDIENST. On Mr. Petersen's call to me; no, because he did not know much about it at 8 o'clock on Saturday morning, June 17. The one that shocked me was Mr. Liddy coming out—I recollect saying that Mr. Mitchell told him to come out and fill me in. The thing that shocked me was his fantastic statement that maybe people who were employed by the White House or the campaign committee were involved or were arrested last night. That floored me.

Senator INOUE. Mr. Liddy was known to you. You worked with him on Operation Intercept. He was a member of the Justice Department and I am certain you are aware that he was counsel to the Committee To Re-Elect the President.

Mr. KLEINDIENST. I did not know that latter, sir. My association with Mr. Liddy was very minimal and very brief as I described in 1969, and I do not believe I ever ran into him or ever saw him again until—

Senator INOUE. He must have had some standing with you because I doubt if you would have responded to someone saying, come here, come here.

Mr. KLEINDIENST. Well, I knew him, Senator, and Mr. Moore, who did have standing with me, was with him. Mr. Moore and I were directly associated together in the Department of Justice when he was the Deputy Director of our Public Information Office.

Senator INOUE. Realizing the explosive potential of this break-in because the break-in involved the headquarters of an opposition political party, did you not feel it was important enough to directly advise the President of this conversation with Mr. Liddy?

Mr. KLEINDIENST. I do not think I would advise the President. The investigation got underway immediately and it was known within hours or shortly thereafter, days, essentially what Mr. Liddy told me, that is to say, and I think the first—I think Mr. McCord was identified almost immediately after they got rid of the aliases and he was further identified as being employed by the campaign committee. That became public knowledge almost immediately thereafter, Senator.

Senator INOUE. My final question for this round, sir, in July 1972, Mr. Baldwin—do you recall Mr. Baldwin, who was involved in the break-in?

Mr. KLEINDIENST. I know the name. That is all.

Senator INOUE. He cooperated with the prosecutors and advised them that two phones in the headquarters of the party had been bugged, one belonging to Mr. Larry O'Brien and the other to Mr. Spencer Oliver. Were you aware of this, sir?

Mr. KLEINDIENST. I do not recollect whether I was or not, whether Mr. Petersen told me or not.

Senator INOUE. Well, for some unknown reason, when the FBI went through the complex, the headquarters complex, they just removed one bug, the one in Mr. Larry O'Brien's, and did not remove the one in Mr. Spencer Oliver's. Were you aware of this, sir?

Mr. KLEINDIENST. No, sir.

Senator INOUE. Now, on September 13 the Democratic National Committee requested the phone company to sweep that area, to have another look at it, and at that time they came across this bug in Mr. Oliver's—

Mr. KLEINDIENST. In a phone?

Senator INOUE. Yes. Phone. Were you aware of this, sir?

Mr. KLEINDIENST. Gee, I might have been aware of it, Senator. I have no present recollection of it.

Senator INOUE. And after that the FBI conducted a very intensive investigation. They interviewed 80 members of the McGovern campaign committee and the Democratic National Committee. Were not the FBI people aware of Mr. Baldwin's advice to the prosecutors that there were two bugs?

Mr. KLEINDIENST. I do not know. I do not know. I think Mr. Petersen might have better knowledge of that, or the FBI itself. I do not know.

Senator INOUE. I have just been notified that my time is up. I thank you.

Mr. KLEINDIENST. Thank you, Senator Inoue.

Senator ERVIN. Senator Weicker.

Senator WEICKER. Listen, you did not take a swing at me. I am not going to take a swing at you. No.

I wanted to add to Senator Baker's comments earlier where he cited those instances where you had tried to live up to the spirit of the job which you held, both in what you did and in the way you related to others. I just wanted to add to that list the fact that when importuned to take a swing at the junior Senator from Connecticut, you told him you would not do it.

Mr. KLEINDIENST. Well, I was trying to talk him out of it, and, Senator, I was trying to use vernacular in suggesting language that would be calculated to talk him out of it and that is why I might have used some language that I did. I am not trying to ingratiate myself. You and I have had a very warm, friendly relationship, Senator, and I have a high regard for you.

Senator WEICKER. Thank you very much. I have already expressed myself on that point.

Let me get to some facts here which I think might be helpful to our investigation.

In the statement of April 30, 1973, by the President, the President stated:

As a result, on March 21, I personally assumed the responsibility for coordinating intensive new inquiries into the matter, and I personally ordered those conducting the investigations to get all the facts and to report them directly to me right here in this office.

Did you receive such orders from the President of the United States on March 21?

Mr. KLEINDIENST. I have no recollection of talking to the President about that. I might have, but I do not recollect it, Senator Weicker.

Senator WEICKER. Well, I should think that would be a pretty significant event. Obviously, the language of the President in his statement is very strong.

Those conducting the investigations to get all the facts, to report them directly to me right here in this office.

I imagine if you received such instruction you would have recalled it now.

Mr. KLEINDIENST. I have no recollection of that.

Senator WEICKER. Now, Mr. Kleindienst, I cannot, unfortunately, leave your resignation at the point where you indicated to this committee that you preferred not to comment. I, too, in addition to, I believe it was Senator Gurney, found it rather strange to have you lumped in here in this same statement, I might add, with Messrs. Haldeman, Ehrlichman, and Dean, and so I am going to ask you the question as to whether or not this matter was not discussed with the President prior to this April 30 statement, whether or not—I will just get them on the table and let you answer them in your own way—you preferred to announce your own resignation, whether or not the President prevailed upon you not to announce your own resignation but to be lumped into this group.

Mr. KLEINDIENST. Well, I think the President and I had by different routes arrived at about the same conclusion. Obviously, we had because Mr. Richardson was up at Camp David that afternoon and I think the decision—I think the President made the decision, that he had to get another Attorney General. I had arrived at it independently.

The President discussed specifically with me the fact that he wanted to announce my resignation the next day and he asked me to permit him to do so. I consented and I would prefer not to comment further about it.

I have had a lot of great things in my life and I have had some unpleasant things and that is just all part of life.

Senator WEICKER. I know, Mr. Kleindienst, but I think it is important to this committee to understand exactly what transpired in that instance. Did you want to resign yourself and make your own announcement?

Mr. KLEINDIENST. Well, I informed the President when I first got up there that I had arrived at the soulful conclusion that I had to leave and I think the President rejoined by saying, I think you are right. A couple of months before, our conversation was that he wanted me to be sure and stay past September when I left. One of the things he said, I have got to have a whole Attorney General. I cannot have half an Attorney General. And then came the conversation with respect to the manner in which it was going to be done.

He asked me personally if I would permit him to do it then and he wanted to be able to announce the change in the Government, Mr. Richardson's appointment, and I consented to that.

Senator WEICKER. In other words, it was his desire that you be put into this group. It was not your desire?

Mr. KLEINDIENST. He asked me to permit him to announce my resignation then and I consented to it, Senator.

Senator WEICKER. I still have to ask the question, why—why you were not permitted to go ahead and announce your own resignation?

Mr. KLEINDIENST. The President asked me to permit him to do it—that Monday night.

Senator WEICKER. When you first arrived at Camp David, did you want to announce your own resignation?

Mr. KLEINDIENST. Yes, sir. I had so informed him before our conversation.

Senator WEICKER. So it was at the importuning of the President you did not announce your own resignation but, rather, went along with his request to be put into this group, is that correct?

Mr. KLEINDIENST. Well, he is the President of the United States. I was serving him. He asked me to do it. I did.

Senator WEICKER. I would like to, if I could, ask a few random questions until my time expires.

The sequence insofar as Mr. Gray is concerned, April 5 he withdraws his name for consideration for the Senate, is that correct?

Mr. KLEINDIENST. Yes, sir. I believe that is the date, April 5.

Senator WEICKER. And I believe also at that time you wrote a very warm personal note of appreciation to Pat.

Mr. KLEINDIENST. I have the highest regard for Pat Gray. I think he is one of the finest men I have ever known in my life and I feel very sorry for him.

Senator WEICKER. Now, on April 27, following the conversations in your office on the 26th, he steps down.

Mr. KLEINDIENST. Yes, sir.

Senator WEICKER. Now, what transpired in the meantime here? Or more specifically, more specifically, at what point did you become aware that apparently both the President and certainly Mr. Ehrlichman and Mr. Dean had come to the conclusion that Pat Gray would not be the man for the Directorship of the FBI?

Mr. KLEINDIENST. Well, you have to distinguish between, I guess the events that occurred after April 5 when it was, I think, indicated sometime around that time, and before April 15, Mr. Gray's nomination had been withdrawn from the Senate. And then after April 15 and before April 30 I had a meeting with Mr. Gray and Mr. Petersen in my office in the middle evening around 8 or 8:30. The next day he then resigned as the Acting Director of the FBI.

I do not know when I learned of the decision that Mr. Gray's name would be withdrawn from the Senate to be the Acting—to be the permanent Director, I am sure I would have known about it around that time.

Senator WEICKER. Around what time?

Mr. KLEINDIENST. Well, the time that it was withdrawn, his nomination was withdrawn. You see—

Senator WEICKER. We had testimony, Mr. Kleindienst, before this committee that he would indicate that both Mr. Ehrlichman and the President had soured on Pat Gray around March 6 or March 7.

Mr. KLEINDIENST. I did not know about that. I knew, I guess, as of the time I was out in San Clemente around April 5 that I must have known the decision was made because we were talking about my recommendations for a person for the President to nominate to be the next permanent Director. So I guess I knew about it prior to April 5. I do not believe I was informed that day of the decision. I think I probably knew that before.

Senator WEICKER. Now, in testimony yesterday Mr. Gray indicated to the committee—I think I am correct in my paraphrase—that when they met in your office on the evening of the 26th, you advised Mr. Gray that you thought it best that he step down.

Mr. KLEINDIENST. Yes, I did, and Pat really did not agree with that. I called the President, gave him a report of the meeting, what Pat

told me. I said, Mr. President, my recommendation is that Pat step down. Pat does not feel that way about it. And then my recollection is, Senator—and I have read Pat's testimony yesterday, but my recollection was that I said, Pat, tomorrow you have a meeting with the top people of the FBI and get their reaction as to whether or not as a result of this situation you can credibly serve as the Acting Director until a permanent Director comes along. He seems to recall that that was his own thinking. Maybe not. I do not know. In any event, the next morning he did meet with the top people of the FBI and he called me and said that, and I recall him saying that, you are right, the people here do not feel that I can credibly remain as the Acting Director, and then I recall I said, Pat, I think you ought to call the President yourself and submit your resignation to him this morning and you do that directly.

Now, that is my recollection of it.

Senator WEICKER. I have no dispute with your recollection.

May I just ask one question? I do not want to interrupt.

Mr. KLEINDIENST. I want to set the record straight on one thing. You recall Mr. Gray had made an offer to the Members of the U.S. Senate that they could have access to the FBI files and then that order was rescinded. I believe that you were scheduled to go up there on a Saturday morning to see them and I called you personally and said that I ordered that to be rescinded. No one else was responsible for that decision except myself. I disagreed with the position taken by Mr. Gray in his confirmation hearings and that I was the one, who as the Attorney General of the United States, who rescinded that offer by Mr. Gray and I think I called you personally and it was not a pleasant task for me, to call you personally that I had rescinded it, and I think there was something said yesterday to the effect that somebody else had made that decision. Nobody else did. I made that and I want to take that responsibility.

Senator WEICKER. The last question, because my time is up, when you called the President, did the President tell you that Pat Gray should step down, on the evening of the 26th?

Mr. KLEINDIENST. No. I think I gave him my recommendation and I also, to the best of my ability, reported Pat Gray's position on it and I think the President then said to me, well, if Pat does not want to resign immediately or right now, I am not going to require him to do so until we can analyze the matter further or give some additional information. That was the President's posture.

Senator WEICKER. Thank you. My time is up.

Senator ERVIN. Senator Montoya.

Senator MONTOKA. Mr. Kleindienst—

Mr. KLEINDIENST. Yes, sir.

Senator MONTOKA. About how many times did you speak to the President between June 17 and the time of your resignation?

Mr. KLEINDIENST. How many times?

Senator MONTOKA. Yes.

Mr. KLEINDIENST. Boy, it would be a guess. The committee has in its possession my telephone logs that would more accurately reflect that. I would say 10 or under times and that is just a guess, Senator Montoya.

Senator MONTOKA. Ten?

Mr. KLEINDIENST. Ten or under. That is a guess on my part.

Senator MONTTOYA. How many times did you visit with him at the White House during this time?

Mr. KLEINDIENST. That is from June 17, the Watergate situation, Senator?

Senator MONTTOYA. Yes.

Mr. KLEINDIENST. I don't believe, although I could be mistaken, that I visited with him after June 17 at the White House until I returned from Europe after the election and then I had two meetings with him at Camp David.

Senator MONTTOYA. Were those the only two meetings either at the White House or Camp David?

Mr. KLEINDIENST. To the best of my recollection, sir, and I could be wrong, and again my appointment book or my logs would be the best evidence of that.

Senator MONTTOYA. Did you during those meetings or during those telephone conversations discuss Watergate with the President?

Mr. KLEINDIENST. Well, in a very broad way. I didn't know much about it and I was in charge of the investigation. I had confidence in it. I would have indicated to him what I was doing, what the FBI and the Criminal Division and the prosecutors were doing generally.

Senator MONTTOYA. Did you discuss with him the possibility that some members of the White House or the CRP might be involved?

Mr. KLEINDIENST. I had no basis for such a discussion. I did not—I had no evidence of that, of any credible nature until April 15, 1973.

Senator MONTTOYA. Did he ever ask you any questions as to whether, from the evidence or state of the evidence that you had, there might be some involvement by personnel from the White House?

Mr. KLEINDIENST. Not that I recall because, Senator Montoya, if I had come into possession of evidence of that kind, I like to think and I am confident of the fact that I would have informed him immediately.

Senator MONTTOYA. Who would the President go to for an investigation of this type? Would he go to the Department of Justice?

Mr. KLEINDIENST. Well, the Department of Justice through the FBI and the U.S. Attorney's Office had had a prodigious investigation interrogating all kinds of people up there. I think by the time, oh, on or about when March came along, Senator Montoya, instead of 1,700 people being interviewed, the interviews had gone up to 2,500, or 2,600 or 2,700 people.

Senator MONTTOYA. Well, who was actually in charge of all this investigation, the Department of Justice?

Mr. KLEINDIENST. Yes, sir; the FBI, the Criminal Division, and the U.S. Attorney's Office.

Senator MONTTOYA. And would that be you as the head of the Department of Justice and those working under you?

Mr. KLEINDIENST. Yes, sir.

Senator MONTTOYA. And you—do you have any knowledge whether or not the President talked to Mr. Petersen about this investigation at any time?

Mr. KLEINDIENST. I am almost positive that Henry Petersen never talked to the President of the United States until Sunday, April 15, 1973.



Senator MONTROYA. All right. Then I will read to you, in view of your answers, the statements contained in the President's address of April 30, 1973:

Last June 17 while I was in Florida trying to get a few days rest after my visit to Moscow, I first learned from the news reports of the Watergate break-in. I was appalled at this senseless, illegal action and I was shocked to learn employees of the Re-Election Committee were apparently among those guilty.

Here he says, "I immediately ordered an investigation by appropriate Government authorities."

Now, he did not talk to you about this. So apparently the President was wrong in this statement.

Mr. KLEINDIENST. Well——

Senator MONTROYA. Well, let me read further:

As the investigations went forward, I repeatedly asked those conducting the investigation whether there was any reason to believe that members of my Administration were in any way involved. I received repeated assurances that there were not.

Mr. KLEINDIENST. May I comment right there, please?

Senator MONTROYA. Yes.

Mr. KLEINDIENST. I think that that is a fair statement for the President to make because John Dean was over in my office on the Monday, you know, following the break-in and was there quite continuously and his purpose in being there, according to his representation, was to get general information from me and Mr. Petersen and I think it would be logical that Mr. Dean was going back and reporting, I thought, to the President. I don't know if he was or not, but at least to Mr. Ehrlichman and Mr. Haldeman.

Senator MONTROYA. Well, he said, "I repeatedly asked those conducting the investigation." Mr. Dean was not conducting the investigation.

Mr. KLEINDIENST. Right there, Senator Montoya, I don't believe I talked to the President on Saturday, June 17. I might have, but I know I talked to him sometime immediately thereafter and my conversation with him and the direction he gave me, he didn't have to say, now Kleindienst, you know you have got to go out there and investigate this. I think I understood what my duty was. But there was no doubt in my mind as to what the President wanted to have done in this thing. If he didn't——

Senator MONTROYA. Why——

Mr. KLEINDIENST [continuing]. If he didn't want to have it done, I don't think I would have been there.

Senator MONTROYA. Well, why would the President couch his statement in these specific terms?

Mr. KLEINDIENST. I don't know.

Senator MONTROYA. All right.

Mr. KLEINDIENST. Other than the comments I made.

Senator MONTROYA. Let me read the next paragraph.

As a result, on March 21, I personally assumed the responsibility for coordinating intensive new inquiries into the matter and I personally ordered those conducting the investigation to get all the facts and to report them directly to me right here in this office.

Now, if you state that the President never talked to you about this and to your knowledge he did not talk to anyone in the Department of

Justice, could it be possible that he was talking to the U.S. District Attorney downtown?

Mr. KLEINDIENST. No. I construe that statement as of March 21, Senator Montoya, to mean that he was having, as I learned subsequently, Mr. Ehrlichman, conduct an in-house investigation. That is—based upon what Mr. Ehrlichman told me Saturday evening, April 14, that is what I would assume the investigation was; an in-house non-Department of Justice investigation.

Senator MONTOKA. Well, Mr. Ehrlichman testified that there was really no investigation going on on his part and Mr. Dean has also indicated that he was just going around trying to find out what was being done, that is all. But the actual investigation was being conducted by the Department of Justice.

Mr. KLEINDIENST. We never stopped our investigation. At no time did the Department of Justice ever consider that the Watergate case was closed.

Senator MONTOKA. Now, did it ever occur to you that you might visit the President and inform him as to what you might be reading in the newspapers and what curiosity was being aroused in your mind as to possible implication on the part of people at the White House or at the Committee To Re-Elect the President?

Mr. KLEINDIENST. I didn't have any reason to do that. There were people up there who read the newspapers and can brief the President on that.

Senator MONTOKA. Yes; but you were in charge of the Federal investigation and you were the Attorney General——

Mr. KLEINDIENST. Senator Montoya——

Senator MONTOKA [continuing]. Of the United States.

Mr. KLEINDIENST. With God as my witness, not until the night of April 14 or between the hours of 1 and 5 o'clock in the morning in my home on Sunday, April 15, was I ever given any credible evidence by anybody that would indicate the criminal culpability or complicity of any top White House or campaign people in this entire matter.

Senator MONTOKA. Were you——

Mr. KLEINDIENST. And as soon as I got that information, I immediately set in motion a meeting with the President of the United States.

Senator MONTOKA. You were being briefed quite constantly at the Department of Justice about the state of the investigation——

Mr. KLEINDIENST. Yes, sir.

Senator MONTOKA. Were you not?

Mr. KLEINDIENST. Yes, sir.

Senator MONTOKA. And wasn't there any evidence indicating complicity on the part of people at the CRP?

Mr. KLEINDIENST. No, sir.

Senator MONTOKA. Any evidence brought to your attention?

Mr. KLEINDIENST. No, sir, Henry Petersen and I speculated almost constantly, particularly after the trial and Judge Sirica sentencing procedures, that it was just possible that Gordon Liddy or Mr. Hunt or one of the five, if we could get them before a grand jury, give them immunity and compel them to testify, could have evidence to offer that would involve somebody else. But I remember Henry Petersen saying to me even after the McCord statement, that standing by

itself, with just hearsay and speculation and conjecture, that that document itself did not provide evidence with respect to the guilt of anybody else.

Senator MONTROYA. I will ask you one more question.

When Mr. Ehrlichman was testifying before this committee I asked him if the White House knew of the burglary of the Ellsberg psychiatrist's office on or about September 4 why didn't you tell the Department of Justice, and he indicated in his answer that that information had been imparted to the Department of Justice.

Mr. KLEINDIENST. That is absolutely untrue.

Senator MONTROYA. All right.

Now, I have it here in the transcript. I have the transcript.

Mr. KLEINDIENST. To my knowledge that is untrue.

Senator MONTROYA. Well, I have it here in the transcript. My questioning starts—this is a question of Mr. Ehrlichman:

Well, there is one thing that strikes my fancy, Mr. Ehrlichman, that the burglary was committed on September 3 or 4 of 1971, that you knew about it a few days later upon your return from Cape Cod, that Mr. Liddy knew, that Mr. Krogh knew, and that presumably other people in the White House knew, then why did it take them until April 15, 1973, for the U.S. District Attorney here in the District of Columbia, Mr. Silbert, to first find out about that burglary, then to have to transmit that news to the Department of Justice?

Mr. KLEINDIENST. Senator Montoya, the memorandum from Mr. Silbert to Mr. Petersen dated Monday, April 16, said that an unidentified source has informed us yesterday, Sunday, April 15, about this situation. One of the things that Mr. Petersen told me was that that unidentified source in the Silbert memorandum to him was John Dean and John Dean is the one who told the prosecutors on Sunday evening April 15 about the Ellsberg break-in.

Senator MONTROYA. I am not questioning your veracity, I am just pointing out that perhaps Mr. Ehrlichman deceived this committee with that statement.

Mr. KLEINDIENST. I don't want to comment on Mr. Ehrlichman's testimony. All I am saying to you is that to my knowledge and the knowledge of Earl Silbert and Henry Petersen and responsible people of the Department of Justice the first knowledge that we ever had of the break-in of Dr. Ellsberg's psychiatrist was Sunday evening, April 15.

Senator MONTROYA. Thank you, sir.

Mr. KLEINDIENST. Thank you, sir.

Senator ERVIN. I have no further questions. I think you have been rather thoroughly interrogated.

I do have two observations, one of which will be no surprise to you, and that is I find myself incapable of accepting the theory that the President has a constitutional power to suppress testimony about criminal acts on the part of members of the executive branch of the Government. I can't reconcile that notion with the simple words of the second article, which prescribe the President's duties in these words: "He shall take care that the laws be faithfully executed."

Now, my other statement is, I would like to in fairness state that during the time you were in the Attorney General's office and this committee was in existence, that you manifested a willingness and desire to cooperate with this committee to the fullest possible extent.

Mr. KLEINDIENST. Thank you, sir.

Senator BAKER. Thank you very much. I also do not have further questions. I might make, as I have previously, a remark of thanks to Mr. Kleindienst for his cooperation and for his testimony today. I think it is very helpful. And to say one word about the question of the scope and the extent of the doctrine of executive privilege. I note with great interest the disagreement between the chairman and the witness on that subject, and they both distinguished legal authorities, one a former Attorney General of the United States.

Mr. KLEINDIENST. One not as distinguished as the other.

Senator BAKER. One a former Attorney General of the United States and the other the possessor of one of the original copies of the Constitution, I believe [laughter].

Senator BAKER. I might say that my father taught me that you can try to settle a lawsuit all your life but the court finally decides.

Mr. KLEINDIENST. That is why we have courts.

Senator BAKER. That is one reason I am glad we filed suit. There may be a great quarrel we have authority to sue or whether the President should or should not have to yield up these tapes under one of the other doctrines or theories that is set out in the litigation, but finally, unless the court ducks the issue, and I fervently hope they do not, finally then the court will decide and my distinguished chairman and my distinguished former Attorney General will not have to argue about that because the law will be what the court says it is.

Mr. KLEINDIENST. On the doctrine of separation of powers, that is going to be decided by the judiciary and not by the Senate or by the Executive Office.

Senator BAKER. It is like the young lawyer I mentioned earlier who was arguing a case before the Supreme Court. The Chief Justice said, "Young man, that is not the law," and the young fellow said, "It was the law until Your Honor spoke."

Mr. KLEINDIENST. I guess that is right.

Senator ERVIN. Senator Talmadge.

Senator Inouye.

Senator INOUE. Thank you, I just have a few questions.

Mr. Kleindienst, you are aware that Mr. Ehrlichman met with Judge Byrne while the judge was presiding over the *Ellsberg* case?

Mr. KLEINDIENST. I learned that; yes, sir.

Senator INOUE. Did you think that this was highly improper?

Mr. KLEINDIENST. Boy, I know that I as the Attorney General of the United States and as an officer of the Department of Justice that had a case before Judge Byrne, it would have been highly improper for us to have done it and to have done it only through our prosecutor in the presence of the attorneys on the other side, regardless of what the situation was. Whether or not the same restrictions would apply to a person on behalf of the President of the United States I am doubtful. In all fairness to Mr. Ehrlichman, because the mission was very limited and very specific, it had nothing to do with the case. I think just generally speaking, because of the nature of the *Ellsberg* trial and the involvement of the administration and the Department of Justice and, you know, its controversy, it was my opinion probably ill-advised just because from the appearance, you know, of the administration of justice. My knowledge of Judge Byrne, however, is

such that I can't imagine a circumstance existing under which he would ever permit himself to be compromised or in any way interfere with the administration of his duty as a Federal judge.

Senator INOUE. Was it not highly improper to involve the President of the United States? The testimony shows that the President was brought into the conversation, even briefly.

Mr. KLEINDIENST. I understand that the President just walked out and said "He will do" and went back and all I know is what occurred at this meeting.

Senator INOUE. Canon 9 says a lawyer should avoid even the appearance of professional impropriety; a lawyer should promote public confidence in our system and in the legal profession. You don't think that this—

Mr. KLEINDIENST. I don't know and I am trying to be fair about this. I don't know whether what Mr. Ehrlichman did was as a lawyer, as an officer of the court. He wasn't representing the United States in the thing, he had nothing to do with the trial. I think I would prefer to characterize Mr. Ehrlichman's role there as an agent of the President of the United States pursuing an objective of the executive branch of the Government and I don't know if that canon would be applied to him in that situation.

Senator INOUE. In the hierarchy of the Justice Department are you considered superior to Mr. L. Patrick Gray, the Director of the FBI?

Mr. KLEINDIENST. To whom?

Senator INOUE. Mr. Gray.

Mr. KLEINDIENST. Well, I don't consider myself superior to anybody. I think Mr. Gray was under the authority and jurisdiction of the Office of the Attorney General.

Senator INOUE. Were you in a position to direct him or to give him orders?

Mr. KLEINDIENST. I believe so and I have done so from time to time.

Senator INOUE. And did he have a responsibility to report to you, sir?

Mr. KLEINDIENST. Oh, sure.

He also had responsibilities to discharge. I had nothing but the utmost confidence and trust in him. The Department is a big one, it has got 50,000 employees, 17 divisions. I met with Pat Gray quite frequently. He attended our staff luncheon every Friday noon and he also was a close friend of mine, Senator. He was going to be the Deputy Attorney General if and when I got confirmed as the Attorney General. Then Director Hoover passed away and I was in the forefront of those recommending Mr. Gray to be the permanent Director to succeed Mr. Hoover.

So, I have had nothing but the closest finest relationship with Pat Gray and he and I, we are kind of both stubborn people, but we never had a problem between us and it was never a question of my ordering Pat Gray, we had a discussion and I would make a recommendation and I can't ever recall a recommendation in the discharge of his official duties of mine that he didn't follow.

Senator INOUE. Did Mr. Gray ever tell you about the instructions he received from Mr. Dean and Mr. Ehrlichman to destroy classified papers?

Mr. KLEINDIENST. Yes, he did, he told me that on the evening of April 25 the night before he withdrew as the Acting Director of FBI. Senator INOUE. He didn't tell you in the year 1972?

Mr. KLEINDIENST. No, sir; that is the first time I had ever heard of that situation, was that night.

Senator INOUE. Do you think he should have told you as soon as he received those instructions?

Mr. KLEINDIENST. Gosh, Pat Gray has lived a great life and is a great patriot and I think he made one mistake, I think it is going to burden him the rest of his life. I am sure he didn't and that is an incident and I would put that against his career service and what I know about him as a man and say well, here is a human being that made a mistake.

Senator INOUE. You—were you aware of the attempt made by Mr. Dean to influence FBI investigations of Mr. Ogarrio and Mr. Dahlberg?

Mr. KLEINDIENST. No, sir.

Senator INOUE. When did you learn of this, sir?

Mr. KLEINDIENST. Most of this testimony vividly came to my attention—that is the CIA situation?

Senator INOUE. This is when Mr. Dean told Mr. Gray to stop the investigation of Mr. Ogarrio and Mr. Dahlberg.

Mr. KLEINDIENST. Senator Inouye, I might have been informed of that last summer but I have no specific recollection of it. Mr. Petersen would have been the one who would have known about that. If he felt there was a serious interference with the orderly work of the Department, I know that Henry would have come to me and I think I have an idea what I might have said to John Dean. Inasmuch as that kind of incident didn't occur, I don't think that I knew about it or it was regarded as a serious interference with our work.

Senator INOUE. As Attorney General did you know a Mr. Ken Khachigian.

Mr. KLEINDIENST. Ken—

Senator INOUE. K-h-a-c-h-i-g-i-a-n.

Mr. KLEINDIENST. I don't believe so, Senator.

Senator INOUE. Mr. Haldeman in his testimony said that Mr. Khachigian had prepared a report which indicated that demonstrations and other violent activities were carried out under the guidance of agents of the opposition party.

Were you aware of that?

Mr. KLEINDIENST. No. I was for 4½ years responsible for the coordination of the efforts of the executive branch in the Government regulating demonstrations and dissent and probably had more information about it than anybody in the United States. I have never heard of that name and I don't recall ever talking to Mr. Haldeman about it or ever getting any memorandum or report from him.

Senator INOUE. As the person in charge of this investigation, were you aware of any involvement of the Democratic Party or the candidates, Mr. McGovern, Mr. Jackson, Mr. Humphrey?

Mr. KLEINDIENST. I think the only incident I was ever aware of, the President during the campaign was to make an appearance in Los Angeles, and the reason why I became aware of it, I was out there speaking myself. As a matter of fact, I had a speech canceled because

the President was going to be there. And I think the McGovern headquarters in Los Angeles was used by some to organize a demonstration against the President's appearance in Los Angeles. I think that is the only incident that I was aware of.

Senator INOUE. Was this a violent demonstration?

Mr. KLEINDIENST. No, I think there was quite a lot of preparations made and I think the President had to change his plan and arrive at the hotel by a helicopter as compared to what otherwise he wanted to do.

Senator INOUE. Other than that you are not aware of any involvement?

Mr. KLEINDIENST. I received no report of any arrests or anything like that, Senator Inoue.

Senator INOUE. I thank you very much.

Mr. KLEINDIENST. Thank you, sir.

Senator ERVIN. Senator Gurney.

Senator GURNEY. I have no further questions, Mr. Chairman.

Senator ERVIN. Senator Montoya.

Senator MONTOYA. I have no further questions, Mr. Chairman.

Senator ERVIN. Senator Weicker.

Senator WEICKER. Just two brief questions on the Ellsberg matter. When you notified the President of the break-in of Dr. Fielding's office, did he exhibit surprise at the information you gave to him?

Mr. KLEINDIENST. Well, I know he was very provoked, Senator Weicker. I think we could have had a contest on which one of us was the most irritated by it. I do not know whether I could testify whether he had had any prior knowledge of it and it was not my habit to interrogate the President of the United States.

Senator WEICKER. Did you have prior knowledge of the fact since the inception of the Ellsberg matter, the President had taken a rather personal role in that?

Mr. KLEINDIENST. No, sir; I never heard about the Plumbers—

Senator WEICKER. I am not talking about the Plumbers.

Mr. KLEINDIENST. About the Ellsberg break-in?

Senator WEICKER. No, the Ellsberg matter.

Mr. KLEINDIENST. The lawsuit?

Senator WEICKER. The lawsuit. The matter from its inception.

Mr. KLEINDIENST. I might have discussed briefly with the President about the Ellsberg suit. I know I would have talked with Mr. Ehrlichman about our position on the suit and our desire to do everything possible to convict Mr. Ellsberg of the crimes that we alleged in our complaint, but I never had anybody interfere with me.

Senator WEICKER. I am not talking about interference; I do not mean to give that impression.

Mr. KLEINDIENST. I did not need anybody to put me down the road on that lawsuit, and I do not recall having any conversations with the President about it.

Senator WEICKER. Do you recall receiving a call from the President requesting a progress report on the Ellsberg case and getting in touch with Mr. Mardian and then getting in touch with the President at Camp David?

Mr. KLEINDIENST. I could have but I do not recall that.

Senator WEICKER. Do you think the President's surprise or his being provoked, I guess is the exact term that you used, at the information you gave to him, do you think it was because the information was public or because of what had happened?

Mr. KLEINDIENST. Well, the manner in which he characterized the act itself left it unmistakably clear to me that he had a very negative attitude about that conduct.

Senator WEICKER. I have one comment I would like to make, Mr. Chairman, because of something Mr. Kleindienst said which I could not have agreed with more.

I find it a little hard to reconcile with your definition of separation of powers, but I noted in your comments on our democracy how you stated that the emphasis of our democracy is to protect individuals rather than society.

Mr. KLEINDIENST. To me that is the foundation of our Government and our Constitution.

Senator WEICKER. I think it is, too.

Mr. KLEINDIENST. It distinguishes it from almost every other government in the world.

Senator WEICKER. I think it is, too. That the individual is important, each one of us.

Mr. KLEINDIENST. Each one of us.

Senator WEICKER. Is important, far more important than society, and certainly there are none of us that are better than anyone else, if you will, and yet it seems to me that some of the things that went on in this period of time were done in the name of society, protection of the individuals sometimes being disregarded to a certain extent, and I wondered how you, for example, in the latest exchange with the committee equate this deep feeling that you have—and I feel exactly as you do on this point—with the fact that the President has information which could involve, let us say, freedom of someone, such as the tapes might relate to the freedom of a particular individual, never mind the constitutional confrontation between the committee and the executive branch, information that might relate to the freedom of a particular individual that he would not be obliged under the sixth amendment of the Constitution to hand that information over. How do you—

Mr. KLEINDIENST. I am just a private individual now, Senator, and I do not have a thought about my attitudes on that, and I would like to be excused from doing so right now.

Senator WEICKER. I have no further questions.

Senator BAKER. I thought for a minute that the witness was going to say he was just a country lawyer.

Mr. KLEINDIENST. As a matter of fact, that is all I am, Senator Baker.

Mr. DORSEN. Do you recall an October 24, 1972, meeting with Richard Helms at which certain records of the CIA were turned over to you?

Mr. KLEINDIENST. Yes, sir, I do.

Mr. DORSEN. What did you do with those records?

Mr. KLEINDIENST. The day before, I believe Ambassador Helms called me and said that Silbert had requested the CIA to supply some written information to him. He said I have no objection to giving that to the U.S. attorney's office; however, I would like to deliver it to you



personally so that you could pass the admonition to the U.S. attorney's office that some of the material could be, oh, well, if it was revealed, could interfere with the mission of the CIA. He agreed to come into my office the next day. He came in with his general counsel. He had an envelope in his hand. As soon as he got there, I called Henry. Henry came up. I explained the situation to Henry. Henry took the envelope and left to go to his office with Mr. Huston, the General Counsel of the CIA, and Ambassador Helms, he and I have a very warm friendly relationship, stayed for a couple of minutes and chatted and he left and that is all I know about the incident.

Mr. DORSEN. Your records show a few contacts in early 1973 with Jeb Magruder. Do you recall what those were about?

Mr. KLEINDIENST. Yes, sir, he was working for the Inauguration Committee. I intended to host at my home during the inauguration a party for everybody who is here from Arizona, and I was talking to Magruder throughout that period of time to get assistance and help from him to make that possible.

Mr. DORSEN. Do you recall attending a luncheon with Mr. Ehrlichman and Mr. Dean between the time of the conviction of the Watergate defendants and the time of their sentence at which the subject of possible leniency for the defendants came up?

Mr. KLEINDIENST. I did not when I talked to you or Mr. Haire yesterday. I talked to Mr. Petersen yesterday to see if he could recall anything, and I now remember that at a luncheon I had there, I think we had several matters to discuss, the question came up as to the procedures of sentencing, what happens, and Mr. Ehrlichman did not have much of a knowledge of the criminal justice system, and I think they were talking about what happens when somebody is convicted of a crime, how the sentence is meted out, what is the probation report, what happens when you go to jail, when are you eligible for a pardon, when do the circumstances arise for Executive pardon, and it was a technical procedural discussion that I had. No individual name was mentioned at that time.

Mr. DORSEN. When Mr. Petersen came to you on the early morning hours of April 15, I believe you indicated that no information was imparted to you that Dean could implicate the President of the United States, is that correct?

Mr. KLEINDIENST. That is correct.

Mr. DORSEN. Was there any explanation given as to whether Mr. Dean was holding back things or relying on executive privilege or anything of that nature?

Mr. KLEINDIENST. I think that Mr. Silbert to the extent that, I at least believed at the time he gave me in summary form every bit of relevant information that he had obtained from Mr. Magruder and Mr. Dean; I believed that at the time.

Mr. DORSEN. When did you first learn Patrick Gray had burned the Hunt file?

Mr. KLEINDIENST. The night before he left the Federal Bureau of Investigation.

Mr. DORSEN. During the time you were Deputy Attorney General, were you aware of the nature of the political activity by Mr. Mitchell including specifically any contacts he may have had with Mr. Liddy?

Mr. KLEINDIENST. I was never aware he had any contact with Mr.

Liddy. My custom when I was Deputy Attorney General was to meet Mr. Mitchell at 9 o'clock and 5 o'clock every day when we were both in town. Immediately prior to March 1 when Mr. Mitchell left, I recollect once or twice seeing Mr. Magruder in his office when I came up for my 5 o'clock meeting. When I arrived Mr. Magruder would leave and I would have my 5 o'clock conference and that is just about the extent of my knowledge with respect to Mr. Mitchell's association.

Mr. DORSEN. One final question.

While you were Attorney General, did you engage in any partisan political activities?

Mr. KLEINDIENST. With the exception of one occasion after I was confirmed by the U.S. Senate and I went back to Phoenix, Ariz., when the Trunk and Tusk Club gave a dinner in my honor, that is a Republican club, I have never attended a political meeting, Republican Party meeting of any kind since I entered the Department of Justice on January 29, 1969.

Mr. DORSEN. I have no further questions, Mr. Chairman.

Senator ERVIN. On behalf of the committee I want to thank you for your cooperation and your appearance here today and as far as I know you are excused from further attendance unless we notify you again.

Mr. KLEINDIENST. Thank you, Senator.

Senator ERVIN. The committee will stand in recess until 2 o'clock.

[Whereupon, at 12:45 p.m., the committee recessed, to reconvene at 2 p.m., the same day.]

AFTERNOON SESSION, TUESDAY, AUGUST 7, 1973

Senator ERVIN. The committee will come to order.

Counsel will call the first witness.

Mr. DASH. Mr. Henry E. Petersen.

Senator ERVIN. Mr. Petersen, will you stand up and raise your right hand? Do you swear that the evidence you shall give to the Senate Select Committee on Presidential Campaign Activities shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. PETERSEN. I do, sir.

Senator ERVIN. You might state your name and occupation and residence for the record.

**TESTIMONY OF HENRY E. PETERSEN, ASSISTANT ATTORNEY GENERAL, CRIMINAL DIVISION, U.S. DEPARTMENT OF JUSTICE**

Mr. PETERSEN. My name is Henry E. Petersen. I am Assistant Attorney General in the Criminal Division, U.S. Department of Justice. I reside at 916 Daleview Drive, Silver Spring, Md.

Senator ERVIN. Counsel will interrogate the witness.

Mr. DASH. Mr. Petersen, how long have you been Assistant Attorney General in charge of the Criminal Division, Chief of the Criminal Division?

Mr. PETERSEN. January 1972, I believe.

Mr. DASH. And prior to that appointment, Mr. Petersen, what position did you hold in the Department of Justice?

Mr. PETERSEN. Immediately prior to that I was Acting Assistant Attorney General for the period October 1971 to January 1972. Prior to that, Mr. Dash, I was Deputy Assistant Attorney General in the Criminal Division.

Mr. Dash. When actually did you first join the Department of Justice, Criminal Division?

Mr. PETERSEN. I first joined the Department of Justice in 1947. I joined the Criminal Division in, I think it was June 1951.

Mr. DASH. How and when did you first learn of the break-in of the Democratic National Committee headquarters at the Watergate on June 17, 1972?

Mr. PETERSEN. Approximately 8, 9 o'clock in the morning while I was at the breakfast table. I received a call from the U.S. Attorney Harold Titus of the District of Columbia who advised me that five people whose identities even at that point were somewhat in doubt, had been arrested at Democratic national headquarters in possession of what was considered to be at that time explosive equipment.

Mr. DASH. Did you follow up on this call?

Mr. PETERSEN. At that point I called the Attorney General at his home and told him about it, primarily because I did not know what the security arrangements were at the Republican National Committee To Re-Elect the President, whatever political office they had, and

if indeed persons had intentions of trying to demolish the Democratic headquarters I thought the same might be in offing for the Republican headquarters and I thought he ought to be forewarned.

Mr. DASH. Well, how soon did an investigation under the sponsorship of the Department of Justice begin in this case?

Mr. PETERSEN. Investigation was underway at that time. Mr. Titus' staff had already been alerted and he had assistants working on the matter at that point with the Metropolitan Police Department and the FBI who were just coming into it.

Mr. DASH. Now, what role as Chief of the Criminal Division did you play with regard to the U.S. Attorney's Office investigation?

Mr. PETERSEN. A general supervisory role, Mr. Dash. One of the early questions I had to decide was the degree of supervision that should be involved and since we knew at the close of Saturday, June 17, that what we had thought to be explosive devices were electronic listening devices, and that an individual named E. Howard Hunt was possibly implicated as a result of the fact that some of his checks or some information relating to him had been found at the scene, that there were immense political repercussions possible. And I decided at a very early stage that that investigation ought to be as isolated from the political element as it could possibly be. And I suggested that Mr. Titus appoint as principal assistant, Earl Silbert, to conduct the investigation in his office and report to Mr. Titus and to myself on a daily basis, oral reports on a daily basis.

Mr. DASH. What was your relationship with the Federal Bureau of Investigation during the investigation? Did you get any kind of reporting from the FBI?

Mr. PETERSEN. Well, the FBI, of course, reported—their reports to the prosecutors, Mr. Silbert and company, were more immediate than their reports to me. Their reports to me had to wait the normal process of bureaucracy, the preparation of the reports and the submission through normal channels, whereas the prosecutor on the scene was getting the witness statements almost immediately but the reports were coming over to me rather slowly at first, very slowly. As a matter of fact, when the publicity developed, with the cooperation of Inspector Baldwin I did not have statements in my office. I had to call the Bureau and ask them to send it over. They sent a whole package of reports at that time.

Mr. DASH. Was this slow reporting to you or did the prosecutors, the U.S. Attorney's Office, have that report?

Mr. PETERSEN. Well, they had the 302, yes. It was just—

Mr. DASH. Just how it came up to your office as Chief of the Criminal Division.

Mr. PETERSEN. That is correct. I was hearing about it from Mr. Silbert.

Mr. DASH. Now, shortly after the break-in, do you recall receiving a telephone call from Mr. Kleindienst who was at the Burning Tree Country Club?

Mr. PETERSEN. Mr. Kleindienst and I communicated three times on Saturday, June 17. The first call I placed approximately at 8 o'clock in the morning. The second call I was about to place when—indeed, if I had not heard his testimony or had discussed it with him, I would have said I placed the second call but he tells me he did, but in any

event since I do not recall, I am sure it is true. The third call I communicated to him and he was making a speech at the Statler-Hilton Hotel and I had to run him down through the security service down there. He had to speak very guardedly. What I was trying to report to him was that documentation relating to a White House consultant had been found at the scene. I thought it was important that he have that information.

Mr. DASH. Did he tell you about a meeting he had or an encounter, really, at the Burning Tree Country Club with Mr. Liddy shortly after the break-in?

Mr. PETERSEN. Yes; recently. The second call, whether I made it or he made it, I remember predominantly because he said, Henry, I want these people treated the same as everybody else. I conveyed to him at that point the information about the electronic equipment and I guess I thought it a little odd that he should make that statement because I did not know any other way to treat them. But I do not recall him telling me that Liddy was there. If he did, I simply do not remember it.

Mr. DASH. What were your relationships with Mr. John Dean at the White House during this period of time?

Mr. PETERSEN. Good. Good. John Dean, I guess, was kind of an unofficial liaison with the Justice Department since he had been there. We knew him. He worked in the Deputy Attorney General's office. He was in communication with us frequently with respect to interpretations of the Corrupt Practices Act. So we had frequent dealings. Relationships were good.

Mr. DASH. Did he inform you that he was in charge in any way or liaison between the White House and any investigation.

Mr. PETERSEN. Not at that stage, Mr. Dash.

I suppose the practice of discussing this matter with John Dean arose the first instance out of the request of Mr. Silbert and the FBI, rather than of their complaints that the White House was dragging its feet.

Mr. DASH. Do you know about when this took place?

Mr. PETERSEN. This was early in the investigation. People were to be interviewed and appointments were not being kept or being delayed and they would call upon me to expedite them and I would call John Dean and I have to say whenever I called him he was frankly helpful.

Mr. DASH. Do you recall a meeting on or about June 20, 1972, in Mr. Klenidienst's office, where Mr. Dean was and at which Mr. Dean made some statements to you, according to his testimony, that this investigation should go very high, in fact it might involve the White House; in fact he testified he didn't know how far it might go.

Mr. PETERSEN. I remember the circumstances, I don't remember it as Mr. Dean testified to it. I was called up to Mr. Klendienst's office. Mr. Dean was already there. They asked for a status report and I gave them a general status report on the nature of the investigation. We had some discussion. I think commonplace discussion. My God, what has happened, who is doing this and what type of a situation is this. And I told him that, I remember the words very distinctly, I said, "John, I don't know who I am talking about but whoever is responsible for this is a damn idiot and there is only one thing that the President of the United States can do and that is cut his losses and the way that he should do that is to instruct the Attorney General publicly to run an

all-out investigation and let the devil take the hindmost. And that ought to be done immediately." We had some discussions of that and finally Dean said, "Well, the President is out in San Clemente." I said it is well enough for somebody to go out there and Mr. Kleindienst said, "John, set that up." Dean then got up to leave and we had some conversations about the investigations and I told him I had no intention of conducting a fishing expedition but we were certainly going to conduct a thorough investigation of this matter.

Later on I asked him what had been decided and he said, "Yes, somebody is going to go out but it has been decided it should be me."

Mr. DASH. Meaning Mr. Dean?

Mr. PETERSEN. Mr. Dean rather than Mr. Kleindienst, which I thought was a little awkward, but quite honestly I took it as another indication or as an indication that perhaps the Attorney General, who I think most highly of, was perhaps not in the best graces at the White House and that they would rather have Mr. Dean brief the President. After that there was an all-consuming silence, I never heard anything and I finally asked Dean about it and he said, "Yes, you are to run an all-out investigation" but unfortunately we never heard anything from the President.

If I can jump ahead. In my later conversations with the President on April 15, I told him this and he said, Dean had never come to him, and I said if it occurred again, and I certainly hoped it did not, I would be up there knocking on the door myself.

Mr. DASH. Let me read the portion of the testimony that Mr. Dean gave us on page 2179 of the transcript in which he indicates that Mr. Kleindienst had another meeting while you were up there in Mr. Kleindienst's office, that you and he went to Mr. Kleindienst's back office and he said to the best of my recollection "We did not discuss specifics, rather it was a general discussion. I told them I had no," meaning you, Mr. Petersen, "I had no idea where this thing might end but I told him I did not think the White House could withstand a wide open investigation."

Do you recall him saying that?

Mr. PETERSEN. Do I recall him saying that?

Mr. DASH. Yes, do you?

Mr. PETERSEN. No, I do not. I do recall some discussion, some concern about this ought not to be an excuse in a political year to run a general probe of the White House. I had no problem agreeing with that. I certainly didn't conceive the occurrence as a specific crime—a specific crime as an excuse for me to run a general investigation of the White House and all of its activities. I assured them there would be no fishing expedition as far as White House activities were concerned in this investigation but that we would run a thorough investigation of that burglary.

Mr. DASH. Do you recall having any conversation with the Acting Director of the FBI, Gray, over giving Mr. Dean investigative reports such as 302 files?

Mr. PETERSEN. Conversation with Mr. Gray?

Mr. DASH. With Mr. Gray.

Mr. PETERSEN. I had no conversation with Mr. Gray about investigative reports until sometime after April 15 when we discussed—

Mr. DASH. I am addressing myself now to the time while the investigation was focusing on the White House staff and also on the Committee for the Re-Election of the President.

Mr. PETERSEN. Absolutely not. I can elaborate on that. I don't want to anticipate your question.

Mr. DASH. I guess the next question is: Did Mr. Dean ever ask you for permission to have 302 files, raw files of the FBI?

Mr. PETERSEN. No, sir.

Mr. DASH. Did it ever come to your attention that such raw files were being used by Mr. Dean, that he had them in his possession during any inquiry that he was making?

Mr. PETERSEN. No, sir. Mr. Kleindienst called me at one stage and I recall this very vividly, it was on the telephone, and he said I have just spoken to John Dean and he has asked if he can have the FBI reports and I answered him very quickly and abruptly and said, tell him no, and I was so abrupt that he just started to laugh. His reaction was, you are a big help. And I then was a little embarrassed to think that he might feel that I was inconsiderate of his relationships with the President or the White House and I said, well, hear me out. If the President calls you up and says I want those reports, you click your heels and say, Yes, sir, or if they want to send out a memorandum, say, from the President and say send those reports over to X, Y, and Z, I said we can do that, but we ought not to give those reports on an oral request to any White House staffer, and he said, I think I agree with that.

That is the last I heard of it.

Mr. DASH. What was the basis of your decision to safeguard these reports?

Mr. PETERSEN. Prudence, prudence. I didn't think there was, I had no suspicion of John Dean as such. Indeed, on April 15 when I heard by his own admission that he was involved I was the most surprised person in Washington, I guess, but it was simply prudence. I didn't think when Mr. Hunt who had worked over there was involved and where there was so much opportunity for cynicism that prudence dictated we should make those reports available. I thought Mr. Dean, if he was, as I understand, charged by the President to keep abreast of this situation, was entitled to ultimate facts, but I didn't think he needed evidentiary facts.

Mr. DASH. Were you aware of any practice in the past of providing 302 or raw FBI files to White House staff persons on request?

Mr. PETERSEN. No, sir, I was not.

Mr. DASH. So that this would be an unusual request so far as you were concerned?

Mr. PETERSEN. It would be an unusual request so far as I was concerned but I have to add, Mr. Dash, that the best witness on that would have to be somebody from the FBI because I would suspect that request would go directly to them in many instances.

Mr. DASH. Let me ask you about this.

If the request went specifically to the FBI, would the Director of the FBI or the Acting Director of the FBI be under an obligation to check with the Attorney General before he acceded to such a request?

Mr. PETERSEN. Well, like in all things I think maybe sometimes, I don't want to sound like a lawyer, which I am, sometimes yes and

sometimes no. If it were, for example, a background investigation of Henry Petersen for a White House appointment and they wanted to see them, I am sure they would be happy to carry them over there, but if it were an investigation of somebody who was closely tied in with some suspected wrongdoing, I think again prudence would dictate they go to the Attorney General.

Mr. DASH. And if it involved actually sending over a large number of 302's involving the investigation of FBI while questions were being asked of staff members of the Committee for the Re-Election of the President, what would your thinking be?

Mr. PETERSEN. Again I think this is imprudent. It is very hard to say, well, you can't have that, we suspect you of wrongdoing to another Government official. You don't do that, at least I do not, but nonetheless I would think that in your position it would be wise for you not to have these reports to prevent embarrassing questions from being asked.

Mr. DASH. I think we may have had some description of this in the past but perhaps you can add this to the record. Exactly what is included in a 302 file?

Mr. PETERSEN. The statement of a witness.

Mr. DASH. And is it an evaluated report?

Mr. PETERSEN. No, it is a statement of the witness as given to the FBI agent.

Mr. DASH. That might include just anything the witness might say, which might be based on rumor or gossip?

Mr. PETERSEN. That is right.

Mr. DASH. By the way, during this period of time early in the investigation, were you aware of any restrictions on the investigation placed by the President concerning national security or CIA involvement or the internal investigative unit at the White House?

Mr. PETERSEN. Only, I suppose I have to answer that no, I had some discussions with Mr. Gray concerning the potential of CIA involvement and one such discussion was on July 5 and he had come to my office to discuss the matter and he had some prior communications with the CIA personnel and he indicated that there was, he had been led to believe there was some CIA involvement and I said, "Pat, you can't accept that, at least you can't accept that orally, you had better get that in writing and if you accept it I am not going to be bound by it because I just don't believe that, it is too convenient," and he agreed with that, but that was the only—he came back later and said, "Well, there apparently was no CIA involvement."

I had no other communications.

Mr. DASH. Well, the President in his statement of May 22 did state that he asked Mr. Haldeman and Mr. Ehrlichman to restrict the investigation so as not to reveal national security matters or CIA involvement. Did Mr. Haldeman and Mr. Ehrlichman get in touch with you as Chief of the Criminal Division and tell you or convey that instruction of the President to you?

Mr. PETERSEN. No, sir.

Mr. DASH. Were you aware, by the way, of the meetings that Mr. Walters had with Mr. Gray concerning the question of CIA involvement on June 23 and some later meetings that Mr. Dean had with Mr. Walters concerning this?



Mr. PETERSEN. I was not aware at all of the Dean meetings until the recent disclosures. I was aware that Mr. Gray was in touch with Mr. Walters to try and determine whether or not there was any CIA involvement in connection with the Mexican transactions.

Mr. DASH. And he later——

Mr. PETERSEN. That is all.

Mr. DASH. And he later reported to you he learned there was no CIA involvement?

Mr. PETERSEN. That is right.

Mr. DASH. Now, did you ever discuss with Mr. ——

Mr. PETERSEN. Mr. Dash, I guess I ought to qualify that. I think that is in the record, that there is some CIA assistance with respect to E. Howard Hunt and there may have been—but on the direct question with respect to the Mexican transaction, no.

Mr. DASH. Yes, and Mr. Petersen, I am confining these questions now to the very early period within actually a week or so after the break-in. I think the testimony before the committee is that Mr. Helms spoke to Mr. Gray on June 22 and said there was no CIA involvement and the meetings between Mr. Haldeman, Mr. Ehrlichman, Ambassador Helms, and Mr. Walters was on June 23, and then shortly afterwards, in fact, on the same day, on June 23, General Walters spoke to Mr. Gray. It is in that area, that time period, that I am directing my questions.

Mr. PETERSEN. I had no such instructions.

Mr. DASH. Did you ever discuss with Mr. Dean, Mr. Magruder's appearance before the grand jury?

Mr. PETERSEN. John Dean called me at the time of Magruder's appearance before the grand jury and asked how Magruder made out. I did not know and I called Earl Silbert and he said, well, you know, as you all know, he is a very articulate young man and he described him, he made a good witness in his own behalf, but, Henry, nobody believes the story about the money. And, you know, that is—in those words are what I told Mr. Dean.

Mr. DASH. Did you know what that was all about?

Mr. PETERSEN. Well, we were focusing on the money, Mr. Dash. Maybe it is a poor boy syndrome but we could not imagine how \$350,000 was just tossed out and nobody wants to know where it went or what it was used for and, of course, the grand jury had the poor boy syndrome, too, I guess. They could not understand that either.

Mr. DASH. Were you aware of the fact that Mr. Sloan told the prosecutor, Mr. Silbert, of Mr. Magruder's effort to have him pick a different sum of money that he paid to Mr. Liddy?

Mr. PETERSEN. I was not aware of it at the time. I was subsequently aware of that and, of course, talked to Earl Silbert about it and they went into the grand jury.

Mr. DASH. You say subsequently. Was that prior to the indictment?

Mr. PETERSEN. I think after, Mr. Dash, but what it came down to is it was one on one. There it was a conflict. Sloan was a good witness in other respects.

Mr. DASH. Actually, you said that Mr. Dean called you about how Mr. Magruder made out. This was, I take it, after his final appearance before the grand jury?

Mr. PETERSEN. After his appearance before the grand jury. I do not know whether—

Mr. DASH. Had he shown some interest prior to that? Of course, I think there were three appearances that he had.

Mr. PETERSEN. Yes, of course, first of all, the statements were at the White House, coming from the White House that John Dean was charged with preparing a report, and what have you. John Dean's statements that were made to me were: I am responsible to keep the President informed and, you know, if I get in there and he asks me a question, he really chews me out if I do not know the answer and, Henry, you have got to keep me posted on these things. They wanted to know—if there was going to be a newsworthy item, they would like to know about it at or about the time it happened. So to that extent I tried to keep him informed of the ultimate facts and when I did not, he would call.

Mr. DASH. Right, and, therefore, you did tell him that he had got through the grand jury.

Now, can you recall a time when Mr. Ehrlichman got in touch with you concerning the appearance of Mr. Stans before the grand jury?

Mr. PETERSEN. Yes, sir; I can.

Mr. DASH. Can you briefly tell the committee about that in your own words?

Mr. PETERSEN. I cannot give you the date, Mr. Dash. I think that—

Mr. DASH. Approximately what period?

Mr. PETERSEN. It is isolated. It was during the summer. It was before the indictment. It can be fixed because it was immediately before the return date of the subpoena that was served on Mr. Stans.

I received a call at 11:45 in my home. I was sitting at the kitchen table and it was Mr. Ehrlichman and he charged Earl Silbert with harassing former Secretary Stans and I told Mr. Ehrlichman that Mr. Silbert was not a responsibility, that I had approved of that, and that it was not harassment, that it was true he had been interviewed at least twice by the FBI but we simply—I am hesitating because I want to be fair to Mr. Stans—basically his testimony, his interviews were the same as he gave the committee. Let me put it that way.

As I recall his appearance up here, there was some question about whether the committee believed his statements that he did not know what happened to the money, that all he did was collect it. We had some difficulty, the same difficulty, and we felt that if that was his story, that we ought to have it under oath. So to that extent we called him basically the third time and it was right—

Mr. DASH. What did Mr. Ehrlichman want?

Mr. PETERSEN. What did he want? I asked him that question twice and he never spelled it out except to stop harassing Mr. Stans and I said we were not harassing him and he charged that Earl Silbert was acting like a local prosecutor. Well, Mr. Silbert is a local prosecutor [laughter].

Mr. DASH. Did you get the impression that Mr. Ehrlichman was perhaps asking that Mr. Stans be excused from going to the grand jury?

Mr. PETERSEN. Well, that is what he was driving at. I asked him twice what he wanted and he never answered other than to say stop harassing. I asked him, I said, well, if Stans has a problem with the

subpena, why doesn't his lawyer call him, and he said it was not necessary, that Ehrlichman was calling me and we ended up telling him to tell his lawyer to call me.

MR. DASH. Did Mr. Kleindienst later speak to you about the same matter?

MR. PETERSEN. Mr. Kleindienst called me Sunday evening the day after and said, are you upset, and I said about what? He said about the Ehrlichman call. And I said no, I am not upset. I was a little mad but it was his mistake, not mine, that I thought it was highly indiscreet, and Kleindienst said, well, what is it all about, and I told him that we wanted Stans' testimony under oath and he said, well, why don't you come on down early in the morning. I have got to see Ehrlichman about this and you come on, you and Silbert come on down and give me a briefing and we met, I think it was in my office at 8 o'clock the next morning and briefed Mr. Kleindienst on the status of the investigation.

I told him there is no need for you to be concerned about me. No point going over to the White House and getting in a fight about me. He cannot do anything to me. We will get his testimony.

I did discuss with Mr. Silbert and Mr. Kleindienst whether or not we should make a concession. One of the concessions that we did make was that we would take his testimony and what I described as under grand jury conditions, that is, under oath, without his lawyer being present, in order to avoid publicity and—

MR. DASH. Were you aware or did Mr. Kleindienst tell you about his telephone conversation with Mr. Ehrlichman?

MR. PETERSEN. No, sir. I never heard of that. Indeed, I did not know from whom he had learned of the conversation until very recently.

MR. DASH. You said you did agree on a concession. Could you tell us where was Mr. Stans interrogated?

MR. PETERSEN. He was interrogated in my conference room by the prosecutors on the case with a reporter present and no one else.

MR. DASH. And not before the grand jury?

MR. PETERSEN. No, sir.

MR. DASH. Who else, by the way, was given a similar concession during the investigation?

MR. PETERSEN. Colson, Kehrli, and Young.

MR. DASH. Colson, Kehrli, and—

MR. PETERSEN. Young.

MR. DASH. Was this requested by anybody in the White House?

MR. PETERSEN. I think it was requested by John Dean in order to avoid publicity.

MR. DASH. Is there any special reason? Is that the reason, to avoid publicity, that this concession was given to White House staff?

MR. PETERSEN. No. I don't think—that is all. Frankly, Mr. Dash, one of the most difficult things I have had to do since I have been in the Justice Department are decisions with respect to public officials, because the concerns are tremendous. You err seriously if you don't conduct an investigation where it should be conducted and if you do conduct an investigation where it should not be, you do a terrible disservice to the public official involved. It is no help to say, well, Mr. Public Official, we want you to know you have been cleared and we are sorry about all the publicity. That is a very serious thing and I have

in the past made that type of concession to avoid that type of publicity and I have tried to resolve these problems by conducting where necessary investigations of public officials in as discrete a fashion as possible until we can be precisely sure of our facts. And then you can open up—

Mr. DASH. You are aware that when you did this, as you did in the case of Mr. Stans, that you do prevent the grand jurors opportunity of asking questions that might open up certain areas.

Mr. PETERSEN. Obviously, but you see, Mr. Dash, not all witnesses go before a grand jury. The grand jury doesn't get the opportunity to question everybody in every case.

Mr. DASH. Were you aware that Mr. Stans himself or his attorney received a transcript of his statement that he gave under these circumstances?

Mr. PETERSEN. I am not aware whether he did or not.

Mr. DASH. Would there be any policy about his getting it if he had asked for such a statement? Would a witness, for instance, appearing before the grand jury—

Mr. PETERSEN. He would not get it and I would say in the sense we were doing this under grand jury conditions, I would not suppose that he did get it but I don't know whether he did or not.

Mr. DASH. The scope of the investigation itself—who set the scope of the investigation in this case? Was it set by the prosecutors?

Mr. PETERSEN. Well, I am not sure I understand what that means.

Mr. DASH. What actually was considered within the scope of the grand jury investigation and not within it?

Mr. PETERSEN. Watergate was considered within the scope of the grand jury investigation. Federal corrupt practices violations I wanted handled separately and they were handled to the extent that we could do so and I think invariably we did accomplish it by the fraud section of the Criminal Division with whatever the U.S. Attorney's Office was involved. So to that extent we tried to separate the two.

Now, they couldn't remain inseparable. There were some witnesses who were common to corrupt practices violations that were before that grand jury and where they were, we tried to combine both efforts and have them all questioned by Silbert at one time.

Mr. DASH. Did you participate in a decision not to get into the so-called dirty tricks activity of Donald Segretti?

Mr. PETERSEN. I sure did. I sure did.

Mr. DASH. Can you recall, did Mr. Dean raise that question to you?

Mr. PETERSEN. No, sir. Well, I don't remember whether he did or not. I don't recall him raising it. That question was raised with me by two people—Earl Silbert, who said, you know, in effect, we are not experts on the Corrupt Practices Act. We don't see any violation. Do you? And I said, "No, not on the basis of what we have." This is around August or September. The FBI in October—Charley Bowles who was in charge of the accounting and fraud section called me and said, "Henry, you know we are not investigating these. Do you see a violation," and I said, "No."

You know, dirty tricks per se are not a violation to my knowledge and the only violation we have been unable to uncover in connection with these things is the failure to accurately subscribe to a political

statement that is promulgated—failure to subscribe being a violation of U.S. 18,613, and that is what the investigations have gone off on, but mere dirty tricks, oral false schedules, for example, or passing an item of information on, was not a violation to my knowledge.

Mr. DASH. Now, Mr. Segretti was called for questioning before the grand jury. Do you recall telling Mr. Silbert to limit his investigation of Mr. Segretti to the so-called Watergate activities and not get into the dirty tricks?

Mr. PETERSEN. Yes, I did indeed.

What we were after was the relationship between Hunt. I misspoke myself, I don't remember that, I was confusing with Kalmbach. To Segretti, we were relating, trying to relate his relationships to Hunt, whether or not they had any significance to the Watergate thing.

Now, I am unsure whether I knew at that time he had some relationship to Kalmbach. In any event, I told Silbert I didn't want him getting into the relationships between the President and his lawyer or the fact that the President's lawyer might be involved in somewhat, I thought, illegitimate campaign activities on behalf of the President.

Mr. DASH. Do you recall this conversation, that Mr. Dean testified to, on page 2245 of the transcript? He said:

After my conversation with Chapin, I called Mr. Petersen at the Department of Justice and explained the problem that was confronting Segretti. I told Petersen that to the best of my knowledge Segretti had no involvement in the Watergate incident but he had had dealings with Hunt in connection with some campaign activities he had been performing for the White House.

I also informed Petersen that he was being paid by the President's personal attorney, Mr. Kalmbach, and that he had been recruited by Chapin and Strachan. I said that these facts, if revealed, would obviously be quite embarrassing and could cause political problems during the waning weeks of the election. Mr. Petersen said that he understood the problem and would determine what he could do.

Do you recall that?

Mr. PETERSEN. I don't remember in those terms. It could well have been I told Silbert I wanted him to confine his investigation to the Watergate, I don't regard this crime as an excuse for us to run a general investigation of the White House and the entire Republican Party.

Mr. DASH. It did turn out, did it not, that a grand juror on the jury did ask Mr. Segretti certain questions that brought out the names of Mr. Chapin and others?

Are you aware of it?

Mr. PETERSEN. I have heard about that. I wondered if that was by chance or Earl Silbert's way of disagreeing.

Mr. DASH. Do you recall having a conversation with Mr. Dean with reference to responding to Congressman Garry Brown's letter concerning the Patman committee investigation?

Mr. PETERSEN. Yes, but that is a very confused situation, too. He mentioned that to me and seemed to think I had the letter and I did not. The letter was in the deputy's office. Ultimately I was consulted with respect to the letter and I do remember Mr. Dean asking me what our policy was with respect to congressional committees and I told him our policy was to advise them if there was a pending prosecution, ordinarily our relationships were good enough so we could do that, work it out and our problems were generally with the investigative committees like the McClellan committee and what have you.

Mr. DASH. Were you aware the Patman committee was in fact planning to call or subpoena a number of the witnesses that would be involved in the criminal prosecution?

Mr. PETERSEN. Only from the public press.

Mr. DASH. Was it your position that such a congressional committee might prejudice the criminal prosecution?

Mr. PETERSEN. Yes, and I sent a letter. The letter was prepared by my staff in the office of legal counsel, it was sent to Congressman Patman setting forth our position and the fact that under the *Delaney* case the Government is regarded as a monolith and the actions of a congressional committee are attributable to the prosecution in that and it might result in prejudicial publicity, yes.

Mr. DASH. Did you later learn what happened to the subpoenas that were proposed to be sent in the Patman committee investigation?

Mr. PETERSEN. I have no idea about that.

Mr. DASH. As a matter of fact, the vote was against subpoenaing them and—

Mr. PETERSEN. I understand.

Mr. DASH. It never got off the ground.

Mr. PETERSEN. I understand there was such a vote.

Mr. DASH. On October 24, 1972, do you recall receiving certain documents from Mr. Kleindienst which had been turned over to Mr. Kleindienst by CIA relating to Mr. Hunt's activities?

Mr. PETERSEN. Yes, I do.

Mr. DASH. On October 24, were these just documents or did they include photographs, do you know?

Mr. PETERSEN. My recollection is that there was a series of photographs attached to the package. I guess to recount the situation I was called up to Mr. Kleindienst's office, Mr. Helms and his counsel, Larry Houston, were there, they expressed some reservations about potential embarrassment to the CIA and that they were there with certain information as a result of questions generated by Mr. Silbert, they hoped it would not be necessary to disclose them, I took the information and left with Larry Houston, sat down and examined their concerns and their concerns related to the hope that had been furnished to CIA and there was one possible wholly unrelated valid CIA activity involved which they were most desirous of protecting. I assured them we would try and do that, made arrangements to get Earl Silbert over there and while he went over the documents, we studied those photographs and we couldn't make any sense of them at all.

Mr. DASH. To refresh your recollection, do you recall that there were actually two times you may have received certain documents, once documents alone from Mr. Kleindienst, on October 24, and some documents in which photographs were attached sometime in the early part of January—January 3?

Mr. PETERSEN. No, I don't remember any January 3d, Mr. Dash. We got some documents from CIA in October and some documents from CIA in December.

Now, I could be mistaken, they may have been attached to the December documents but my recollection is they were in the October package.

Mr. DASH. May I show you a copy of a memorandum dated December 5, 1972, and attached to it are Xerox copies of photographs and see if these are the records that you did receive?

Mr. PETERSEN. I recognize one which is a picture of Mr. Liddy in front of a stationery store which has the sign on the window "Xerox Copies While You Wait." I recognize that one. I recognize another one in which there is an address 11923 on the building, a car outside. I recognize another one in which there is written in on it—two automobiles—reserved Dr. Fielding, reserved Dr. Rothberg.

Mr. DASH. Actually what you did receive were Xeroxes of photographs, not photographs themselves?

Mr. PETERSEN. That is right.

Mr. DASH. And do they appear something like these Xeroxes I have shown you?

Mr. PETERSEN. Those I have mentioned to you; yes, sir.

Mr. DASH. When you received these, was there any indication to you as to what investigation these drafts related to?

Mr. PETERSEN. No, we were investigating, of course, activities of Hunt and Liddy out in California, trying to figure out why, what its relationship to Watergate was, and Silbert and I sat down and went over these documents and we couldn't relate them to anything. Later we asked CIA, I guess, and they didn't have any descriptive data or negatives or actual photographs or anything that would assist us.

Mr. DASH. Were you aware of the special investigating unit which had been called the Plumbers that was in the White House?

Mr. PETERSEN. No, sir.

Mr. DASH. Did your Criminal Division play any role in the investigation of the Pentagon Papers leak?

Mr. PETERSEN. No, sir.

Mr. DASH. Were you aware of the investigation that this so-called investigating unit was making of Dr. Ellsberg or his psychiatrist?

Mr. PETERSEN. No, sir.

Mr. DASH. And when you noticed, I think there was some evidence, some of these photographs referred to a Dr. Fielding, did you know who Dr. Fielding was?

Mr. PETERSEN. No, sir.

Mr. DASH. Or whether or not he was related in any way to Mr. Ellsberg. So that in receiving these documents, would it be fair to say that they did not put you on notice of any break-in or effort to break into Dr. Fielding's office?

Mr. PETERSEN. They did not.

Mr. DASH. Or had any relation to the investigation by the Justice Department investigation of Mr. Ellsberg or the prosecution that was going on?

Mr. PETERSEN. We didn't relate those documents to the Ellsberg case, I think, until the time of Mr. Krogh's affidavit in connection with the Ellsberg matter.

Mr. DASH. Mr. Chairman, I would like to have the memorandum of December 5, 1972, with the accompanying Xerox copies of photographs marked appropriately and admitted in evidence.

Senator ERVIN. Let the reporter assign it the appropriate exhibit number.

[The documents referred to were marked exhibit No. 146.\*]

\*See p. 3861.

Mr. DASH. Around December 22, 1972, in connection with hearings on Mr. Bittman's motion, I understand, concerning certain items that were taken out of Mr. Hunt's safe, did Mr. Dean tell you that he had given certain items from Mr. Hunt's files to Mr. Gray?

Mr. PETERSEN. Yes, we had an all afternoon session which started around 2 or 2:30 p.m. in which we were interviewing Mr. Dean, Mr. Fielding—Fred Fielding of the White House staff, and Bruce Kehrli with respect to their search of Mr. Hunt's office immediately after it was ascertained that he had some part in the break-in.

Mr. Bittman in his motion on behalf of Mr. Hunt had alleged that there were two notebooks present among Mr. Hunt's possessions that were not accounted for in the FBI inventory and we were trying to determine where they were, if they existed, did the FBI agents have them, did Dean, Fielding, Kehrli come across them, did they retain them or what have you, and we spent all afternoon interrogating those three people anticipating they would be called as defense witnesses on the motion to suppress. At approximately 6:30 that evening my recollection is we were interrupted with news on the DeCarlo commutation.

Mr. Dean pulled me aside and said the statement in there were true, he had given everything to the FBI, but some documents he had given to Mr. Gray personally and I said, "Well, John, I just want to know one thing, are they related to Watergate," and he said, "They are absolutely unrelated." I said, "Well, if you are asked that question, you are going to have to tell the truth." I remember his answer very vividly. "Henry, I will tell the truth, I am not going to lie for that damn Ehrlichman. I may lie for the President but I am not going to lie for him." I said, "More than that, John, I am willing to take your word that they are not related to Watergate, but defense counsel is not going to be. Now if you are asked that question, those documents are going to have to be produced and you had better talk to Pat Gray about it" and he said he would. We broke up on that note and we were going to get back to it, supposedly.

I was off on a Christmas holiday. When we came back, negotiations were undertaken with respect to the plea of guilty by Hunt and at the suggestion of the prosecutors I approved the acceptance of a plea to three counts, the conspiracy count, burglary count, and eavesdropping count, which as I recall would have subjected them to about 25 years, and the court went us on better and insisted they plead to everything, which they did. With the acceptance of the plea the motion to suppress was not pressed and, of course, I guess I just no longer had in the forefront of my mind those documents or that question with respect to those notebooks.

Mr. DASH. Did there come a time when you followed up and asked Mr. Gray whether or not he did receive certain documents out of Mr. Hunt's safe from Mr. Dean?

Mr. PETERSEN. During the course of Mr. Gray's confirmation hearing he had occasion to call me about some point and in the course of that conversation I had asked him very casually if he had ever received documents from John Dean from Hunt's safe or office which were not given to the agents and he said, no. The next occasion came on or



about April 15 when John Dean was being debriefed by the prosecutors and he related this to him and Silbert asked me about it and I said yes, and told him I had asked Pat Gray and Pat Gray said no, and I went back to Pat Gray either on April 16 or 17 and asked him again, told him what John Dean had said, and he said Henry, that is not so. About this time I was having some discussion with the President about it. I had imparted this information to him and he said well, I think Dean is telling the truth on this, you ought to ask Ehrlichman. When I left there I went over to Ehrlichman's office and he was not there and I frankly did not bother going back to him. We double-checked with Dean's counsel and they were sure of it and I went back to Mr. Gray the following week, around the 25th, 26th, and asked him again and this time he said yes, that he had received such documents, that they had implied that he ought to destroy them, that he had taken them home over the weekend and brought them back and tore them up and threw them in the burn basket. I said—

Mr. DASH. Did he tell you why he had destroyed them, whether he was acting under instructions?

Mr. PETERSEN. Well, I asked him if he read them and he said no, and he said, well, they just said they were politically sensitive.

Mr. DASH. Did you say he did not know the contents of the papers?

Mr. PETERSEN. I asked him if he read them and he said he did not.

Mr. DASH. Where did you say that Mr. Gray went before he burned them?

Mr. PETERSEN. He went to Connecticut. He was in travel status, as I recall his statement to me, and after he received the documents he was going up over the weekend or to make a speech and took the documents with him and told me he brought them back to the office and tore them up and pointed down to the basket beneath his desk and said I put them in there.

Mr. DASH. Without reading them?

Mr. PETERSEN. That is right.

Mr. DASH. On the 26th, which was quite some time beyond the period we have been talking about, Mr. Gray has testified that on that day, apparently that is the day he did admit to you that he destroyed the documents, you said to him that you were scared and that you and he, Mr. Gray, were expendable and Mr. Haldeman and Mr. Ehrlichman were not expendable.

Did you say anything like that to him and, if so, why?

Mr. PETERSEN. I am not sure you have the time right, Mr. Dash. As I recall it, that was the night before Mr. Gray resigned. It was the day on which this item that we are discussing was publicized and I received a call from the President, as did Mr. Kleindienst in the evening, and the President asked me whether or not I thought Mr. Gray ought to resign and I told him that I thought Mr. Gray's position was untenable. And he said we will discuss it with the Attorney General. He, too, had talked to the Attorney General and, of course, I did discuss it with the Attorney General and pursuant to the President's instructions we asked Pat Gray to meet us and we did meet in the back office of Mr. Kleindienst's office and we discussed the situation and in my conversations with the President I expressed some sympathy for Mr. Gray, who I think most highly of. I have no hesitancy; I liked the man very much. And I told the President, "Mr. President,

I think he is an innocent victim," and the President said, "yes, Henry, maybe, but there are going to be a lot of innocent victims before this is over." So it was in that context, the context of commiseration, I did not want to be there, we were in effect, suggesting that the man resign, and when Mr. Kleindienst went out of the room to talk to the President again, you know, I said Pat, we are all going to be embarrassed before this is over, I am scared, we have a constitutional confrontation here, we have the Presidency of the strongest nation in the world teetering in the brink. I do not remember saying that we were expendable, Ehrlichman and Haldeman were not, but I may have, I was upset.

Mr. DASH. Are you aware that Mr. Gray's testimony is that he informed you on April 17 that he had received the documents? Are you aware that at that earlier time he gave you that information?

Mr. PETERSEN. No, sir. My recollection is that I went to see him on the 16th or 17th and he denied it, I went back to see him the following week after double-checking with Silbert and Dean's counsel and the President, what have you, and it was Tuesday of that week, I think, maybe the 25th, 26th.

Mr. DASH. Do you recall that sometime after the conviction of the seven Watergate defendants and the sentence, having lunch with Mr. Kleindienst, Mr. Dean and Mr. Ehrlichman and a question of leniency for the defendants coming up.

Mr. PETERSEN. No, no, I never had——

Mr. DASH. Let me rephrase the question. Are you aware of a lunch that Mr. Kleindienst had with Mr. Dean and Mr. Ehrlichman in which a question of leniency came up concerning the defendants in the Watergate case?

Mr. PETERSEN. Well, I am aware of a time when I received a telephone call from Mr. Kleindienst who said I am just now leaving the White House and I am on my way to the airport and on the way by I will stop by and you go downstairs and I will pick you up. You can ride out to the airport with me and I want to get some information from you, and I cannot fix the date except that it was a time when Mr. Kleindienst was going to Boston and he was meeting his wife at the airport.

We rode out to the airport and he said, I just had lunch with Dean and Ehrlichman and they raised a question of whether or not leniency could be accorded these defendants. And I said absolutely not. I said indeed, we are going to do just the contrary. It is not the practice in the District of Columbia to recommend specific terms, jail terms, but it certainly is the practice to recommend for jail or no jail and we intend to recommend jail time for these people and beyond that, after they are sentenced we intend to call them back and immunize them and in order to compel their testimony as to whether or not other persons are involved, and if they are contumacious and refused to testify they will be held in contempt. We discussed more what the procedure was, the sentencing procedures and when they would be sentenced and what have you, and he finally said do me a favor, go on back and go on over to the White House and tell those crazy guys over there what you just told me before they do something they will be sorry for. And I said, well, OK, and I went back to my office and on the way back I thought I have not been over there yet and this is not the time to go,

so I called John Dean on the telephone and told him, John, there is no point in my coming over there, we are going to recommend jail time and these people are going to be immunized and we then discussed what immunity meant, what the alternatives are—and they are: you can be contumacious and go to jail almost immediately or you can lie and take your risk that the Government will be able to prove it, which may give you a little bit of time, or you can cooperate, and I spelled those out for him and that ended the conversation.

Mr. DASH. We have had testimony from Mr. Kleindienst and I think Mr. Kleindienst indicated that you perhaps would be our better witness as to what occurred on April 14 which led also to a meeting on April 15 with the President. What actually led to the meeting that you had with Mr. Titus, Mr. Silbert, Mr. Glanzer, Mr. Campbell, on April 14?

Mr. PETERSEN. Mr. Silbert was trying to get me all throughout the day on April 14. I did not get home until approximately 6 or 7 o'clock in the evening. I called him and he said it was imperative that he see me, that he, Titus, Silbert, Glanzer, meet with me immediately. And I agreed. So we set up a meeting in my office at 8:30 that night. They came down and they launched into the fact they had made a breakthrough in the Watergate case and that it was of significant proportions and that they were in the course of attempting to negotiate an agreement for John Dean's testimony and they had received certain information from him in the course of the negotiations which they had agreed not to utilize unless some type of agreement was reached. They had received also testimony from Jeb Stuart Magruder which seemed to corroborate the skeletal facts Mr. Dean had given them and that on the basis of all of these facts they concluded that Mr. Mitchell, Mr. Mardian, Mr. LaRue, Mr. Magruder, Mr. Ehrlichman, Mr. Haldeman, Mr. Dean, were putative defendants.

Mr. DASH. When you had that information, did you call Mr. Kleindienst or did Mr. Kleindienst call you?

Mr. PETERSEN. That was the night of the White House correspondents' dinner and I had great difficulty in getting in touch with Mr. Kleindienst and we finally left word for the White House to get in touch with his car, radio car, and he called me I guess around 12:30 a.m., after the dinner. We then made arrangements to meet at his home.

Mr. Titus and Mr. Silbert and I arrived at his home around 1:30 or 2 o'clock in the morning and we proceeded between then and 5 a.m. to give him a recitation of what we thought was in the offing and who was involved.

Mr. DASH. I take it these are the same facts that you had been briefed on by the prosecutors.

Mr. PETERSEN. That is right, and, of course, it was the unanimous recommendation of all of us that he inform the President immediately because of the implications. This was really the first information that we had to tie it to people of the stature of Mr. Mitchell and Mr. Haldeman and Mr. Ehrlichman.

Mr. DASH. And did you set up a meeting or did Mr. Kleindienst set up a meeting with the President?

Mr. PETERSEN. Mr. Kleindienst agreed he would set up such a meeting with the President and, as I recall, he said he was going to—there

was a prayer breakfast over there and he would attempt to set it up while he was there.

I next heard from Mr. Kleindienst at approximately 2 o'clock Sunday afternoon and he asked me to come down to the office and I did so, and while there, he said he was going to go and see the President again at 3 or 3:30 p.m., and maybe it would be a good idea if I would come with him, and I said OK.

Mr. DASH. Was it at that time that you and Mr. Kleindienst gave a complete briefing as to what you had learned from the prosecutors—

Mr. PETERSEN. Yes, sir.

Mr. DASH [continuing]. To the President?

Mr. PETERSEN. Yes, sir.

Mr. DASH. Can you tell the committee what the reaction of the President was at that time?

Mr. PETERSEN. Well, I guess the reaction of the President was one of concern when I remember remarking to Mr. Kleindienst how I admired his calm. I would have been cussing and fuming. He was concerned, and you have to understand that I had seen the President only on ceremonial occasions or briefings on legislation. He didn't know me from Adam.

Mr. DASH. This was your first face-to-face meeting with the President, then, wasn't it?

Mr. PETERSEN. Yes; at any time in a situation where he was relying solely on my advice, and here I was recommending that two people whom he had known and worked with for years be dismissed.

Mr. DASH. Who were they?

Mr. PETERSEN. Mr. Haldeman and Mr. Ehrlichman.

Mr. DASH. What was his reaction to that recommendation?

Mr. PETERSEN. He understood my concerns and he appreciated my candor and my concern for the Presidency and my position was that I can't guarantee you that we have a criminal case at this point, but I can guarantee you that these people are going to be a source of vast embarrassment to the Presidency and for that reason I think that the best thing that you could do would be to get rid of them immediately.

The President's response was interesting. He said, yes, but he owed them an obligation of fairness, too, and I didn't disagree with that. If somebody came in and said about my two assistants you have got to fire them immediately, I would take time to look.

Mr. DASH. What office—

Mr. PETERSEN. He took longer than I would have liked. I guess I was a little impatient but he did it and that was the important thing.

Mr. DASH [continuing]. What office was this meeting held in?

Mr. PETERSEN. In the old Executive Office Building.

Mr. DASH. Were you aware at the time, Mr. Petersen, that these conversations were being taped?

Mr. PETERSEN. No, sir; but it didn't surprise me. I would have anticipated—I think if you had asked me I would have thought that was a fair possibility and frankly let me say for the record I have no objection. I think the Chief of State ought to do it.

Mr. DASH. Did you make any recommendation with regard to Mr. Dean?

Mr. PETERSEN. Yes, I did. The President said, "You know, Haldeman and Ehrlichman deny this and I have got to find this out. Dean in

effect has admitted it. Should I request his resignation?" And I said, "My goodness, no. Now, here is the first man who has come in to co-operate with us and certainly we don't want to give the impression that he is being subjected to reprisal because of his cooperation. So please don't ask for his resignation at this point." And the President agreed to hold off until I—until he heard from me further on that issue. That carried on until about the 26th or 27th of October and in a statement on the telephone I reached the conclusion after discussions with Silbert that we had reached an impasse in our negotiations with Mr. Dean.

Mr. DASH. You don't mean October. You mean April.

Mr. PETERSEN. Right, Mr. Dash. April, excuse me.

We had reached an impasse in our discussions with Mr. Dean and that I could no longer justify the President's not asking for his resignation, and—

Mr. DASH. Prior to that time, do you recall having a discussion with the President concerning immunity that might be afforded witnesses?

Mr. PETERSEN. Yes, sir.

Mr. DASH. Could you tell us briefly about that?

Mr. PETERSEN. Well, I think that started—that started the preceding Wednesday. Mr. Ehrlichman had called Mr. Kleindienst and Kleindienst called me up there and said he just had a call from John Ehrlichman and Ehrlichman wants to say he didn't think any White House aides ought to be immunized and it didn't make much of an impression on me and I just made a witticism and said, "Well, tell Ehrlichman he can't count on it," and I didn't think anything more about it. Of course, when I learned at the end of the week—

Mr. DASH. And at this time Mr. Dean was in these conversations, in cooperation with the prosecutor.

Mr. PETERSEN. That is right. At the end of the week when I learned Dean was cooperating it made more sense. The President took it up. The President—we went on with this for about 2 or 3 days. We had a difference in viewpoints, of course. The President's concern—I hope I accurately reflect him but it seemed to me the President's concern was that from a public relations point of view, certainly he wanted to leave the impression that he as President was not causing persons who were in the upper echelons of his administration to be immunized and freed from liability. He wanted to make certain that in that respect no one got the impression that they were getting favored treatment.

Well, you know, I understood that to be a consideration but I also understood that if it were in the interests of the prosecution, that it might be necessary to immunize some high echelon person.

Mr. DASH. Did you explain that to the President?

Mr. PETERSEN. I did indeed.

Mr. DASH. And did you get an understanding of who would make the ultimate decision on immunity?

Mr. PETERSEN. Yes, I did.

Mr. DASH. And who would be given that ultimate decision?

Mr. PETERSEN. Me.

Mr. DASH. Now, did that point in time—

Mr. PETERSEN. At that point in time.

Mr. DASH. On April 18, did the President call you concerning the immunity question?

Mr. PETERSEN. Yes.

Mr. DASH. Can you tell us briefly about that call?

Mr. PETERSEN. The President called me—I recall it was in middle or late afternoon—and said that as a result of his conversation with the President he felt that—Dean had said he had been immunized, said the President, and I said, “Mr. President, that is not so. We are in the process of determining whether or not he should be immunized but we have made no decision and so far as normal immunity is concerned, only I can grant it. The prosecutors don’t have the authority. I am certain that is not so but I will check.”

I called Earl Silbert and said—and he said, of course, just what I said and I said, “That is fine, but go on back to his counsel” and his counsel agreed, “No, we are just in a preliminary negotiation, and no immunity has been offered or accepted.”

When I called the President back I told him that. He said, “Well, you know, I have it on tape if you want to hear it,” and I said “No, I don’t want to hear it because I don’t want to get anything except what we are getting from John Dean directly.”

Mr. DASH. He said he had it on tape. Did he indicate it as a tape of Mr. Dean?

Mr. PETERSEN. No; he did not, and I didn’t ask him.

Mr. DASH. Is that where the matter stood?

Mr. PETERSEN. That is where the matter stood; yes, sir.

Mr. DASH. On April 16, did you receive a memorandum from Mr. Silbert concerning the Ellsberg psychiatrist’s break-in?

Mr. PETERSEN. Yes, sir; I did.

Mr. DASH. Was that the first time that you learned of that break-in?

Mr. PETERSEN. To be precise I ought to correct that. The memorandum was dated April 16. I think I received it on the 17th, Mr. Dash.

Mr. DASH. Right. Was that the first time you learned of the break-in?

Mr. PETERSEN. I think Earl told me on the telephone—this is what told us—“I am sending you a memorandum.”

Mr. DASH. And what did you do when you received that memorandum?

Mr. PETERSEN. I sent it to Deputy Assistant Attorney General Kevin Marony. I said, “Kevin, check this out. Let me know what this is about.” Mr. Marony came back with a note from him and a memorandum from one of his staff in which they said we have no such information, nor does the FBI. Then we asked him to check whether or not there was a psychiatrist involved, and what have you. They did and they turned up from the FBI records that an individual by the name of Fielding had been interviewed.

Well, that clicked. That led us to the photographs and then we made the connection. I advised the President of that and kind of in response to his, well, what’s new, and I told him that we had received this information.

Mr. DASH. Did he indicate that he knew anything about that break-in when you told him about it?

Mr. PETERSEN. No; he did not, Mr. Dash. I have to be very careful there. I would like to rephrase the question for you, if I can. I suppose it—

Mr. DASH. Please do.

Mr. PETERSEN. The question probably would be did he indicate he knew anything about it rather than anything about the break-in. And the President said when I told him, "I know about that. That is a national security matter. You stay out of that. Your mandate is to investigate Watergate."

Now, he didn't say he knew about the burglary. He said he knew about it—about the report. I think that is a vital distinction to be recognized.

Mr. DASH. When were you reporting this to the President?

Mr. PETERSEN. It was on April 18, sir. And he said stay out of it and after I got off the telephone, why I called up Mr. Silbert and I called up Mr. Marony and said, "Mr. Silbert," I said, "The President said stay out of it, Earl, and that is it." I called up Mr. Marony and said, "Just forget it."

Then I proceeded to ponder the situation. I discussed it with some of my staff, so in terms of the actual, and the question involved of whether or not it was producible under *Brady v. The United States*, which holds that exculpatory materials should be made available to the defense. Well, there are two views of Brady, one, that anything that may lead to an acquittal should be produced and another only that which goes to guilt or innocence is producible, and obviously, the prosecution usually takes the more narrow point of view and under that narrow a point of view it was not produced—and we stood on that for a day or so and then I rationalized that that might be true but this was really not the case to test that and I thought if we tested this in this sort of case we would probably lose it and it was such a celebrated case and it would certainly have political overtones that that type of thing ought to be disclosed, but I really didn't quite know what to do.

Mr. Kleindienst had recused himself of Watergate and finally on the 25th I went on up to Mr. Kleindienst's office and said, "Look, you are out of the Watergate but you are not out of Ellsberg. I need some help." And we spent most of the day talking about this and he solicited some independent opinions and concluded that I was right, that indeed it should be disclosed, and so I said, "Well, you know, the President has given me a"—

Mr. DASH. You communicated that to the President?

Mr. PETERSEN. I told Mr. Kleindienst that the President instructed me to forget about it but nonetheless I thought we ought to go to the President and if he was unhappy about it we would simply have to take the consequences and Mr. Kleindienst agreed with that. He went to the President. The President agreed. May I say, Mr. Dash, that I have been distressed by some of the criticism in the press, maybe even other places about the President on that score and I think it is wholly unwarranted. He made—he took a position with me and I think I can count myself as not the most senior but at least a senior official in the administration. We disagreed with it. We went back to him and he finally agreed with us and I think the ultimate thing is that he came out with the right answer and I think he had every right to expect us

to come back to him if we disagreed, and so I think the criticism is wholly unwarranted.

Mr. DASH. Did you receive a call from the President on April 30, 1973?

Mr. PETERSEN. Yes, sir.

Mr. DASH. Could you tell us what that call was about?

Mr. PETERSEN. April 30, 1973?

Mr. DASH. Yes.

Mr. PETERSEN. He called up and said, you can tell your wife that the President has done what needed to be done, and I want to thank you for what you have done.

To the extent that requires some explanation in the course of our conversations, I was impressing upon the President the situation so far as I was concerned was degenerating, and it was vitally affecting the people's confidence in the White House, and I related to him a conversation that I had with my wife at the breakfast table in which she had said, "Do you think the President is involved?" And I related that to the President and I said, "If I reach the point where I think you are involved, I have got to resign. If I come up with evidence of you, I am just going to waltz it over to the House of Representatives," but I said, "What is important is that my wife, who is no left wing kook, is raising these questions of me, and that indicates to me that you have got a most serious problem."

And that affected the President quite strongly, and when he called me on April 30, he made that point.

Mr. DASH. This was the day that he announced the resignation of Mr. Haldeman, and Mr. Ehrlichman, and the leaving of the office at his request of Mr. Dean.

Mr. PETERSEN. That is right.

Mr. DASH. I have no further questions, Mr. Chairman.

Senator ERVIN. Mr. Thompson.

Mr. THOMPSON. Thank you, Mr. Chairman.

Mr. Petersen, let me ask you a few more detailed questions about your meeting with the President on April 15. You stated that you told him on that occasion that although you possibly didn't have a criminal case against Haldeman and Ehrlichman, that it could be very embarrassing to the Presidency.

What information did you have on Haldeman and Ehrlichman at that time? What had Dean told the prosecutors about Haldeman's and Ehrlichman's involvement in the Watergate matter?

Mr. PETERSEN. Well, we had not too much on Mr. Ehrlichman at that point. We had Dean's statement that Ehrlichman had told Dean to "deep six" certain information recovered by Dean from Mr. Hunt's office. If you don't mind, I will refer to my notes on this.

Mr. THOMPSON. Yes, sir.

Mr. PETERSEN. Too, that Mr. Dean had said that Ehrlichman through Dean had informed Liddy that Hunt should leave the country. Hunt corroborated this in part in that he testified that Liddy had told him that Liddy's principals wanted Hunt out of the country.

Hunt did not testify with respect to or identify Ehrlichman.

That is the basic information, the only information we had on Ehrlichman at that point.



Mr. THOMPSON. Had he said anything at that point about furnishing money to the defendants or the defendants' families or about Ehrlichman's approval of money being raised and distributed to the families?

Mr. PETERSEN. Yes. I think that that was mentioned—well, that Ehrlichman had said, well, tell them we will do what we can, you know. It was not specific with respect to any amount of money.

Mr. THOMPSON. Was Kalmbach mentioned in this regard?

Mr. PETERSEN. Kalmbach was mentioned but not with any definitive nature of the allegations against him, only that—

Mr. THOMPSON. The major emphasis was on the "deep six" comment?

Mr. PETERSEN. So far as Ehrlichman was concerned. So far as Haldeman was concerned, Dean had allegedly told Haldeman that there was a series of meetings, three in number, with John Mitchell which took place in Mitchell's office.

Mr. THOMPSON. Beg your pardon? I am sorry. What did you say?

Mr. PETERSEN. Dean had told Haldeman, according to Dean, that there was a series of meetings, three in number, in Mitchell's office in which Liddy, Magruder, Dean, and Mitchell were present, and at each of these meetings the Liddy operation was discussed, the purpose being to obtain information about Democrat Presidential contenders.

On two occasions, Mitchell refused to authorize the budget proposals, the first being for \$1 million and the second \$500,000. On the third occasion, Mitchell approved a reduced budget of \$300,000. The operation was described as Operation Gemstone. Magruder had said that the budget information was given to Strachan. Magruder also said that the information given to Strachan was for delivery to Haldeman. But Magruder was not in a position to say that Strachan actually received it—actually delivered the information or that Haldeman actually received it.

Dean stated that after the second meeting with Mitchell, Liddy and Magruder returned to the White House, relayed the information to Haldeman, and the nature of the proposal was discussed and stated that we ought not to have any part of them. Dean stated Haldeman agreed. But I pointed out to the President that apparently no one took the laboring oar to try and stop them, and I thought that that was certainly the responsibility of someone like Haldeman.

Magruder further stated that he caused to be delivered to Strachan for transmittal to Haldeman a summary of the intercepted conversations. Again I told the President, Magruder was not in a position to say that Strachan actually delivered that information. Strachan at that point was being interrogated, and there was some indication that he might be willing to cooperate, and I told the President those negotiations were underway and we thought that they would ultimately bear fruit and that that would in effect give us two or possibly three witnesses against Haldeman and that was a very dire situation, and while I couldn't say we had a criminal case at the time, certainly one was in the offing.

Mr. THOMPSON. When did you make those notes?

Mr. PETERSEN. Sir?

Mr. THOMPSON. When—

Mr. PETERSEN. The President asked me to reduce to writing what I said to him about those two, Haldeman and Ehrlichman, and I did that and gave it to him on April 16.

Mr. THOMPSON. And that is the same thing that you have before you right now?

Mr. PETERSEN. Yes, sir.

Mr. THOMPSON. Would there be an objection to making that a part of our record?

Mr. PETERSEN. No, sir.

Mr. THOMPSON. If we could at a subsequent time make a copy of that, unless you have an extra copy.

Mr. PETERSEN. I do not know whether I have an extra copy, Mr. Thompson, but I will be happy to give this to you and you give me a copy back. That will satisfy me.

Mr. THOMPSON. Would that be agreeable with the chairman?

Senator ERVIN. All right. Let the record show the notes identified by Mr. Petersen will be appropriately marked as exhibits and admitted into the record as such.

[The document referred to was marked exhibit No. 147.\*]

Mr. THOMPSON. All right, Mr. Petersen. So essentially, to go into a little bit more detail—you have touched on this—one White House member, Mr. Dean, was telling some very significant and dire things about two other White House members, Mr. Haldeman and Mr. Ehrlichman. What was the President's reaction to this situation? Did he express a particular belief or disbelief in any version or any individual or how did he evaluate the posture of those?

Mr. PETERSEN. I think it is fair to say he was kind of upset about Dean. He said that when he first learned about this that there were more problems in store for him than he had anticipated on March 21 and he had asked John Dean to reduce these to writing and sent him up to Camp David to do so and apparently Dean was unable to reduce them to writing and the President commented, I suppose because of his involvement, and he was concerned that perhaps Dean was trying to lighten the load on himself by impeaching Haldeman and Ehrlichman and the question in the forefront of his mind was the validity of the Dean information. That was the importance of Magruder's information and the possibility of Strachan coming through as a corroborating witness.

Mr. THOMPSON. Did he say precisely what Dean had told him on March 21?

Mr. PETERSEN. No, sir; he did not.

Indeed, he said that he told Dean to go up and write a report and he never got such a report and Dean was unable to write it.

Mr. THOMPSON. How did you phrase it a moment ago? What did he say about the 21st?

Mr. PETERSEN. He had first learned that—the words are mine, not the President's. He first learned that there were more significant problems than he had anticipated on March 21.

Mr. THOMPSON. Did he indicate that on March 21 he had learned what you were telling him?

Mr. PETERSEN. No, sir; he did not. What he did suggest was that after Dean had failed to provide him this report, he had told Ehrlich-

\*See p. 3875.

man to conduct an investigation. I never asked him for the product of Ehrlichman's investigation, nor do I know what it consisted of.

Mr. THOMPSON. Did you ever discuss with the President the possibility of his talking to Liddy or Liddy's lawyer?

Mr. PETERSEN. No, sir. During the course—I did suggest to the President that he ought to hear John Dean himself, that he ought to hear from John Dean what John Dean was telling the prosecutors to aid the President in making up his mind with respect to his future course of conduct toward Haldeman and Ehrlichman.

At my home later that Sunday evening, on April 15, Charlie Shaffer, Mr. Dean's lawyer, called and present were Mr. Silbert and Mr. Glanzer, stated that he—Dean had had a call from Mr. Ehrlichman who wanted to meet with Dean and requested our advice. We told him not to meet with Mr. Ehrlichman but that it would be perfectly agreeable to meet with the President. Thereafter he called back and said that Mr. Dean had sent a message back to the White House suggesting that he would be happy to meet with the President, and what have you. The President called me that evening and said he had received that message and should he meet with him and I said by all means. He called again to say that the meeting had been set up. He called then again around 9:30 or 9:45—I did not know that Mr. Dean was still there—and said that he had received information that Liddy was waiting for some sort of signal from the White House, and the President, as to whether or not he should be cooperative or testify and the President charged me with conveying that information to Mr. Liddy. I got in touch with Mr. Tom Kennelly, who is local counsel for Mr. Liddy, passed that message on to him. I was thereafter called around midnight by Mr. Maroulis, who is principal counsel for Mr. Liddy and imparted the same information, namely, that if Mr. Liddy was not cooperating out of any sense of misguided loyalty or loyalty to the administration, or what have you, that he was misguided and the President wanted him to cooperate. Mr. Maroulis thanked me for the information and that was it. We have not heard from Mr. Liddy.

Mr. THOMPSON. Did the President ever tell you anything else that was discussed in his conversation with Dean on April 15?

Mr. PETERSEN. No; I did not want to hear it.

Mr. THOMPSON. Why?

Mr. PETERSEN. The reason I did not want to hear it was because we were in negotiation with Mr. Dean and that negotiation was predicated upon certain promises, that he would make certain disclosures to us in order for us to determine whether or not an immunity should be accorded him upon our representation that we would not use that information directly or indirectly against him if no deal was struck. So I did not want to receive information that came from Mr. Dean from any other source in order to keep that situation, very difficult situation, as clean as it could possibly be. The President offered to let me hear the tape and I did not want to hear it.

Mr. THOMPSON. Up until April 30, when Dean was discharged, had Dean told the prosecutors anything that would in any way implicate the President in obstruction of justice or anything along those lines? Did he mention a September 15 conversation, for example, or that he had previously told the President of these matters and the President had failed to act?

Mr. PETERSEN. No, sir; Mr. Dash. As late as April 27, I can be very certain about that, on April 27 I received a call from the President who said do you have any information that would reflect on the President on this thing? I said, no. He said, would you come over, and I did. I went over to the White House and he repeated the question and I said, no. I said, I do not have that type of information. I am sure the prosecutors do not. If they did they would convey it to me immediately, and we discussed it and—

Mr. THOMPSON. Can you state the basis of his concern?

Mr. PETERSEN. Yes; two reporters, one from the New York Times and one from the Washington Post, posed the question at the White House press office with the implication that this information was in the hands of prosecutors. Well, he said, well, would you mind calling to make doubly sure and I did not—

Mr. THOMPSON. Exactly what information, that the President was somehow involved?

Mr. PETERSEN. Somehow involved. It was just as general as that. I said yes, I would call. I went into the Cabinet room and made a call, called Earl Silbert, and told him of the reports that had been received in the White House press office and he said absolutely no, there was no such information available.

Mr. THOMPSON. Did I understand you to say that on April 15, when you discussed the fact that you felt Haldeman and Ehrlichman should be dismissed, the President said in effect that Dean should be dismissed also, he seemed to be involved to a certain extent?

Mr. PETERSEN. It certainly was clear the President wanted to treat all three alike.

Mr. THOMPSON. Because of your suggestion the President evidently waited until April 30 before dismissing Dean.

Mr. PETERSEN. That is right.

Mr. THOMPSON. He was kept on the staff primarily as far as you know because of your request that—

Mr. PETERSEN. From prosecution; yes, sir.

Mr. THOMPSON. Thank you.

Senator ERVIN. Mr. Petersen, is it not a part of the judicial process that witnesses shall go before grand juries if they are able bodied and available so that grand jurors may interrogate them?

Mr. PETERSEN. That the grand jurors may interrogate them; yes, sir.

Senator ERVIN. Now, I am not an expert on Federal statutes but I have searched in vain for any Federal statute or any rule of court which would exempt from a personal appearance before a grand jury any witness who is able bodied and readily available to the grand jury.

Is there any such statute?

Mr. PETERSEN. No, sir.

Senator ERVIN. Now, there were three White House aides, Colson, Young, and Krogh, and former Secretary Maurice Stans who were exempted from going before the grand jury in person.

Mr. PETERSEN. I think we ought to clarify that, Mr. Chairman. Colson, Krogh, and Young, I don't believe, were subpoenaed. We just decided we wanted their testimony, we wanted it under oath and we did not use the subpoena process. So to that extent there is a distinction with what we did with Stans. At the outset we were going to take Stans before the grand jury and we issued a subpoena for that purpose; yes, so that is a distinguishable situation.

Senator ERVIN. Now, there is no statute that allows a witness to be exempted from going before a grand jury to avoid publicity that is distasteful to the witness?

Mr. PETERSEN. No; I think it is a question of fairness versus prudence.

Senator ERVIN. As you correctly stated, all witnesses don't go before grand juries, but isn't it customary and indeed isn't it a proper practice to send before a grand jury every witness whom the prosecutor has reason to believe can give testimony which would afford a reasonable basis for indictment against anybody?

Mr. PETERSEN. With a little deference, Mr. Chairman, I think that is too general. Many times we present only the minimum of witnesses and rely on hearsay information which is admissible in the grand jury.

For example, we might put two Bureau agents on who will implicate seven people. Rather than call all of the witnesses that would be necessary to trial we just call one or two before the grand jury.

Senator ERVIN. Now, it certainly is desirable to send before the grand jury every witness that can furnish a basis for the indictment of a person who otherwise might not be indicted, isn't it?

Mr. PETERSEN. You say desirable and I guess that is right. But what I am trying to portray, not every witness in every investigation goes before a grand jury. Indeed in most investigations most witnesses do not go before a grand jury. Now, I think again to be perfectly candid and honest with you, you have to distinguish between the types of investigation. A matter of presentment where the case is open and shut and the investigative agency has dug it up and there is no problem. The agents can go in, and one or two witnesses, and you put it in.

In an investigatory grand jury where you are really out swinging and you have got to get them under oath and you want the compulsion of the grand jury appearance; you are right, it customarily is the practice to bring them all aboard.

Senator ERVIN. Well, very shortly after the break-in was discovered, the prosecutors were in the possession of evidence which showed that of the five burglars caught redhanded in the Watergate, four of them had in their possession moneys which were traced to some, or checks contributed to the reelection campaign, weren't they?

Mr. PETERSEN. Checks? Cash.

Senator ERVIN. Cash which was traced?

Mr. PETERSEN. Yes, sir.

Senator ERVIN. The checks which had been donated to the reelection campaign?

Mr. PETERSEN. Yes, sir.

Senator ERVIN. Now, didn't that indicate to your mind very grave suspicion that the tracks led from the Watergate into the Committee To Re-Elect the President?

Mr. PETERSEN. Sure did. But here is the point, Mr. Chairman. That was visceral. We didn't have the evidence—we had five. We added Hunt and Liddy by investigation. I never believed that Liddy was to be the all and end all. I could not, as Assistant Attorney General, come out as a public official and say there is more involved because I couldn't prove it.

Senator ERVIN. You had the serial numbers, the evidence of the serial numbers of the bills from the Miami bank that showed it came out of the proceeds of these checks.

Mr. PETERSEN. Yes, sir.

Senator ERVIN. You had the fact that Liddy was chief counsel of the Stans finance Committee To Re-Elect the President?

Mr. PETERSEN. Absolutely.

Senator ERVIN. You had the fact that McCord was chief security officer of the Mitchell Committee To Re-Elect the President and you had the fact that Hunt was acting in collaboration with Liddy and McCord.

Mr. PETERSEN. That is right.

Senator ERVIN. Now, also you had the fact that Maurice Stans was the man that had control of the money, the finance Committee To Re-Elect the President.

Mr. PETERSEN. Yes, sir.

Senator ERVIN. You got some evidence, didn't you, pretty early that he kept large sums of cash in safes in his offices?

Mr. PETERSEN. Yes, sir.

Senator ERVIN. And you had the fact that Mitchell was political chairman and that Magruder was the deputy political chairman under Mitchell?

Mr. PETERSEN. Both Mitchell and Magruder appeared.

Senator ERVIN. And also you had available the testimony that Stans gave—the same testimony he gave before this committee. You had the testimony from Stans to the effect that Sloan, the treasurer, had expressed misgivings about paying large sums of cash to Liddy on the orders of Magruder and that Stans had come back to Sloan and reported he had consulted with Mitchell and Mitchell said it was all right to pay the money to Liddy on Magruder's orders?

Mr. PETERSEN. Yes, sir.

Senator ERVIN. And still no effort was made to indict Stans or Magruder?

Mr. PETERSEN. That is not correct.

Senator ERVIN. Or Mitchell on that evidence?

Mr. PETERSEN. That is not correct, Senator. We just didn't have the evidence. We had real strong suspicions. We had a real gut reaction, but we didn't believe that story, but we couldn't prove—we couldn't prove the perjury, for one thing.

Senator ERVIN. What story was it you didn't believe?

Mr. PETERSEN. We didn't believe that Magruder, Porter, Mitchell, Stans, didn't know what that money was for, that they gave \$350,000 to Liddy or thereabouts, whatever the amount was, and he just expended it. That was the story. That was the reason.

Senator ERVIN. You didn't believe that story, did you?

Mr. PETERSEN. No; but that was the reason. You are talking about the conduct of the investigation?

Senator ERVIN. Yes.

Mr. PETERSEN. And here is what we had in mind. We recognized that there were problems in that case, but all the evidence showed was that Liddy and Hunt were involved. That was the reason at a very early date, as early as November, we decided, one, we will prosecute them and, two, after they are prosecuted we will immunize them.

Now, one of the things, you will excuse me, I have to get something off my chest.

I resent the appointment of a special prosecutor. Damn it, I think it is a reflection on me and the Department of Justice. We would have broken that case wide open, and we would have done it in the most difficult circumstances. And do you know what happened. That case was snatched out from under us when we had it 90-percent complete with a recognition of the Senate of the United States that we can't trust those guys down there, and we would have made that case and maybe you would have made it different, but I would have made it my way and Silbert would have made it his way and we would have convicted those people and immunized them and we would have gotten a breakthrough. I am not minimizing what you have done or the press or anyone else, but the Department of Justice had that case going and it was snatched away from us, and I don't think it fair to criticize us because at that point we didn't have the evidence to go forward.

Senator ERVIN. I am just——

Mr. PETERSEN. Excuse my emotions, but I have been there too long and this has been a terrible year. [Laughter.]

Senator ERVIN. I am asking you some questions.

Now, at an early stage before any indictments were returned, there had been caught in the Watergate, plus the general counsel of the committee, plus another aide of the committee, and evidence that money came out of the Committee To Re-Elect the President, to Liddy in vast sums.

Now, why was that not sufficient evidence to make out a probable cause to believe that people in the Committee To Re-Elect the President had hired these people to burglarize the Watergate?

Mr. PETERSEN. The simple fact of the matter is that the testimony was that those funds were made available to Liddy to conduct an intelligence operation for the Committee To Re-Elect the President and Liddy had gone off on a gambit of his own. That was the testimony.

Senator ERVIN. And I believe you stated that the prosecutors did not believe what Sloan had to say about the money?

Mr. PETERSEN. What Sloan had to say? What Magruder had to say about the money. That is the reason we called John Mitchell to the grand jury because we did not believe Magruder.

Senator ERVIN. This is not any criticism of you——

Mr. PETERSEN. I understand. Just excuse my emotion. The simple fact of the matter is, every lawyer tries a case differently, and I am too sensitive about criticism of the Justice Department, I confess.

Senator ERVIN. Well, I have been impressed by the time I have been in Washington, the few contacts I have had with you and also your reputation. You are a very forthright individual and you have testified in a very forthright manner here and you have also testified in a very forthright manner in respect to the questions that have caused me concern.

Mr. PETERSEN. Well, you know, I respect you so much it bothers me when you disagree with me. [Laughter.]

Senator ERVIN. Well, I practiced law a long time, and I always disagreed with at least half of the lawyers I came in contact with, so it is no reflection on you.

Mr. PETERSEN. I would rather be on your side.

Senator ERVIN. Senator Baker.

Senator BAKER. Mr. Chairman, thank you very much. I do not want to prolong this analysis of the situation before the grand jury or the status of the ongoing investigation and the efforts toward prosecution much longer, but there are a few points or few questions I would like to put to you and maybe a few observations to help me put it in perspective. To begin with, there is no assurance that no one is going to be indicted now, Stans or any other number of persons who may be indicted as a result of the ongoing investigation of the grand jury now in the hands of the special prosecutor. There is no current threat of the bar of the statute of limitations in that respect?

Mr. PETERSEN. That is correct. But I have to say I cannot give you a precise status report since the case has not been with us since the appointment of the special prosecutor.

Senator BAKER. I understand that. The point of the fact is that people have not yet been indicted does not necessarily mean they will not be indicted?

Mr. PETERSEN. No, sir; I anticipate they will be.

Senator BAKER. Is it not your duty as a Government attorney, as a member of the Justice Department, and supervising the proceedings before the grand jury to go into the factual situation to determine probable cause, which is the test before a grand jury, is there probable cause to believe a crime has been committed and that a particular named individual committed it. That is the technical and literal function of the grand jury?

Mr. PETERSEN. That is right.

Senator BAKER. You have a greater responsibility than that, if you are going to prosecute the case because the test at trial is not probable cause.

Mr. PETERSEN. Precisely.

Senator BAKER. The test at trial is: Is this man, as the Constitution provides, is this man guilty of the alleged crime, of the charges laid against him, beyond a reasonable doubt, and that is a very different thing.

Mr. PETERSEN. That is precisely right.

Senator BAKER. Is it the practice of the Justice Department or your practice to proceed to compile evidence not only to meet the test of probable cause but to meet the test that is necessary to get a conviction in that case as well?

Mr. PETERSEN. Absolutely. It is a professional responsibility and indeed, we have a rule of thumb down there that the guy who returns the indictment ought to try it.

Senator BAKER. Has there been anything in the handling of this prosecution by you, by the U.S. attorney's office, by the assistant U.S. attorney or anyone else you know connected with the Justice Department, that in your judgment, has jeopardized the possibility of showing probable cause or guilt beyond a reasonable doubt of the several people that we have spoken of?



Mr. PETERSEN. No, sir. I have to say we are not perfect prosecutors and my guess is if we went over it again we would do some things differently. I do not know anything specific.

Senator BAKER. I know a few things and I am going to get to those in a minute.

Mr. PETERSEN. I do not know of any instances where I can say we impaired the investigation.

Senator BAKER. But in any event, the blackboard is still a blank, the grand jury has yet to act on many of the principal characters being investigated in this respect?

Mr. PETERSEN. Yes, sir.

Senator BAKER. The chairman and I have jostled and disagreed slightly and I hope in a most agreeable way on the question of the appropriateness or the desirability of giving testimony outside a grand jury. It happens I agree with him, I think it is not good judgment. But as we have already agreed on, I think it is not illegal.

Let me ask you this one point, to take the Stans testimony as a particular illustration. As I understand it, you put it in these terms, we took the Stans testimony under grand jury conditions, which means, I take it, under oath or with investigation or examination conducted by a U.S. attorney, without other people present, including the absence of the witness' attorney.

Mr. PETERSEN. That is right.

Senator BAKER. You did it that way. Was the transcript, the write-up of that material then presented to the grand jury, was it read to the grand jury?

Mr. PETERSEN. It was made available to the grand jury and it was read into the grand jury.

Senator BAKER. Was there any step taken to prevent the grand jury from asking for Mr. Stans to appear then or later?

Mr. PETERSEN. No.

Senator BAKER. Is there any prohibition against it now or any impediment in the way of this or any other grand jury?

Mr. PETERSEN. No.

Senator BAKER. From now calling Stans to find out—

Mr. PETERSEN. No, sir.

Senator BAKER. Do I understand then, that your motivation, and whether we judge it to be the right decision or the wrong decision, is not important to this, but it was your motivation at the time that an investigation of public officials has a high degree of sensitivity because of the potential for harm as well as the potential for justice, that is, if charges are made against a public official in a public place, the story on page 38 that they found nothing on which they might indict him, fades into insignificance by comparison to the original charges that he appeared before the grand jury.

Mr. PETERSEN. There was another factor. Ehrlichman called and was criticizing us for harassing Stans. He had been interviewed twice. And, you know, we did not, we wanted that testimony under oath and if there was anything more and Ehrlichman said that is all you are going to get, I said that maybe but we want it. But the part of the problem was that in that investigation, as you all know, there were far too many leaks. A grand jury was not functioning as a grand jury

should. There was not the secrecy surrounding it, indeed, you could follow the investigation in the newspapers, as I did.

Senator BAKER. Every leak from that grand jury was a felony, was it not?

Mr. PETERSEN. At least contempt, probably. But you see, if it is a leak by witnesses it is not. That is part of the problem. An awful lot of self-serving statements by witnesses after they came out of the grand jury, indeed, statements on what they testified to. We were to the extent that we were responsible for the grand jury subject to some criticism because all of this publicity surrounded it and we were all sensitive to that.

Senator BAKER. I am about to run out of time, but let me ask you two or three other things. All of the statements the chairman made about the money chain, about the information available to you, on the identity of Liddy, on the identity of Hunt, and any number of other people, all of that information that the chairman very properly identifies as an integral part of this record was in general terms or maybe very literally was all that presented by one witness or another to that grand jury?

Mr. PETERSEN. Yes, sir.

Senator BAKER. So it was not wheedled from the grand jury?

Mr. PETERSEN. That is right.

Senator BAKER. So all of that information appeared before the grand jury?

Mr. PETERSEN. That is right.

Senator BAKER. So far as you know there may still be indictments on the basis of that information and the grand jury is perfectly entitled to hear hearsay information?

Mr. PETERSEN. That grand jury was not unaware of its rights.

Senator BAKER. How often is it in your experience that you call a potential defendant before a grand jury? I know it is often done.

Mr. PETERSEN. Well—

Senator BAKER. Is it the rule or the exception?

Mr. PETERSEN. It is the exception and indeed, there is a specific rule of law which requires if you call a putative defendant before a grand jury you specifically warn him of his rights.

Senator BAKER. That he is a target?

Mr. PETERSEN. That is right.

Senator BAKER. There is some talk there is no statute that authorizes you to take testimony out of the sight of a grand jury. There is no statute that requires you to place a witness before the grand jury either, is there?

Mr. PETERSEN. No, sir.

Senator BAKER. Mr. Petersen, your own investigation and conduct of it and your motives in taking the Stans testimony in the manner it was done is suspect in the eyes of some, otherwise we would not be inquiring into this, and I suppose you would not be a witness. Let us get something straight on the record here. Were you appointed to your present position by President Nixon?

Mr. PETERSEN. To my present position; yes, sir.

Senator BAKER. How long have you been with the Justice Department?

Mr. PETERSEN. Since 1947.

Senator BAKER. How did you first receive employment, under what conditions?

Mr. PETERSEN. I walked in and asked for a job and they gave me a job as messenger.

Senator BAKER. You are the first Assistant Attorney General that ever came up through the ranks?

Mr. PETERSEN. I guess, I really do not know.

Senator BAKER. Are you a Republican or a Democrat?

Mr. PETERSEN. Well, I like to think I am nonpartisan but I am a registered Democrat.

Senator BAKER. Is there any reason that you can think of why you would not conduct and did not conduct an energetic, vigorous investigation calculated to do nothing except to prosecute those that you could find the evidence to prove their guilt beyond a reasonable doubt?

Mr. PETERSEN. No; one thing that argues in favor of that is my own selfishness. I will not do a damn thing to jeopardize my reputation for anybody and I told Attorney General Kleindienst that immediately after that, I was not going to jail for anybody and he could expect political pressures and if he was smart he would do like I do, have a selfish regard for his own reputation and reputation of the Justice Department and he did and so did I.

Senator BAKER. Can I change the subject in the few brief moments I have left? I have been told I have 1 minute. I understood your testimony to be you agreed not to use the Dean testimony unless you could reach an agreement, I assume, about immunity?

Mr. PETERSEN. Yes, sir.

Senator BAKER. Is it fair to say that Mr. Dean did generally cooperate with you at that stage in the proceedings?

Mr. PETERSEN. No. Well, Mr. Dean was advancing his own interest at that stage of the proceedings, it was entirely preliminary negotiation and never proceeded to fruition.

Senator BAKER. Was his information materially helpful to you at that point in which he was giving you information so that you could judge whether or not there was the basis for immunity?

Mr. PETERSEN. That information did not satisfy us that we should immunize Mr. Dean.

Senator BAKER. Was it a question of deciding what you were going to get versus what you were going to give?

Mr. PETERSEN. That is always a consideration.

Senator BAKER. That is the general immunity question; is it not?

Mr. PETERSEN. Yes, sir.

Senator BAKER. Is that still an open question with Mr. Dean?

Mr. PETERSEN. That is a judgment the special prosecutor would have to make whether or not it is open. Senator, we are on very dangerous area.

Senator BAKER. Would you prefer that we did not talk about it?

Mr. PETERSEN. Yes, because I think this is going to be a seriously litigated issue.

Senator BAKER. Thank you, Mr. Chairman.

Senator ERVIN. Senator Talmadge.

Senator TALMADGE. Mr. Petersen, I have been tremendously impressed with your forthrightness and your candor as a witness.

Mr. PETERSEN. Thank you, Senator.

Senator TALMADGE. You have had a long and distinguished career in the Justice Department and came up from the ranks and the President appointed you to a position of enormous responsibility.

Now, under those conditions, where does a man's loyalty lie? You have testified that when the President of the United States gave an order you clicked your heels, yet within a very short period of time you found that some of the closest confidants, most trusted aides and advisers to the President of the United States, were involved in a campaign to obstruct justice.

Under those conditions, what does a man do?

Mr. PETERSEN. Senator, I do not know. You know, about 3 weeks ago I was at a party and present was the president of Gonzaga High School in Washington, D.C., which I attended. They are strong on philosophy and one of the questions I raised with him, whether or not loyalty was a valid philosophical concept and I have reached the conclusion that it is not because it is not sufficiently broad, that it is valid only to the extent that you can be loyal to what you regard as good and to the extent that there is demanded more loyalty to which you regard as bad, you cannot subscribe to it. So if the President of the United States asks for FBI reports I would assume the President of the United States as Chief Executive Officer in a proper exercise of his authority would have a right to those reports to determine whether or not his underlings were serving the best interests of the United States.

Now, on the contrary, if the President of the United States said I command you not to exercise your statutory obligation with respect to immunity in this instance, and the President and I debated that and we reached the conclusion that that was my responsibility and there was not anything in the world that he could do to take it away from me, so your question is a good one and I have struggled with it and you know I do not want to say I am not loyal, that is a terrible thing to say, but I have to say that I am loyal to what I regard as my principles and to the extent that others adhere to the principles I am loyal to them, too.

Senator TALMADGE. You went back to see the President and you persuaded him to change his mind. What would you have done if he had not changed his mind?

Mr. PETERSEN. On the Ellsberg thing?

Senator TALMADGE. Yes.

Mr. PETERSEN. Mr. Kleindienst and I discussed that and if the President had not agreed with us we would have had to resign. We were both prepared to do so.

Senator TALMADGE. Both of you?

Mr. PETERSEN. We discussed that before Mr. Kleindienst went to the White House that afternoon.

Senator TALMADGE. You had agreed to do so?

Mr. PETERSEN. Yes, sir.

Senator TALMADGE. Do you think the Office of Attorney General and its assistants serves the President of the United States or the people of the United States?

Mr. PETERSEN. I think 98 percent of the time he does both. I think where there is a conflict he had to adhere to his legal and professional responsibilities which are. I think, to the larger mandates of the Constitution and the people of the United States.

Senator TALMADGE. You think when a conflict would arise between serving the President of the United States and the people, it would be a matter of conscious, canon of ethics, the laws, the Constitution, and judgment?

Mr. PETERSEN. I think that there are certain obligations in the concept of loyalty that are required. In that situation I think that it is incumbent to be forthright with the President, to say I disagree and give him an opportunity to replace you with a Cabinet officer or Presidential appointee or whatever, who happens to adhere more to the line that he thinks. I think that degree of loyalty is required but I think basically, the old adage to your own self be true.

Senator TALMADGE. You made a very impassionate plea there rejecting the idea of a special prosecutor.

Mr. PETERSEN. I said I resented it, I didn't reject it. I recommended against it in the first instance. I reluctantly came to the conclusion that it was necessary and it was necessary because of, if you will excuse me, the temper in the Senate of the United States. I don't at all agree with the Senate's insistence on the appointment of a special prosecutor. You know, Senator, Mr. Hoover had a basic concept for which he was sometimes criticized and that is that you don't wash your dirty linen in public. He had problems during the time he was within the Federal Bureau of Investigation and he handled those within the Bureau quietly and efficiently and expeditiously. And the footnote, the principal point in connection with that was the importance of the people of the United States in having confidence in their law enforcement agencies and I don't think it did a service to the Department of Justice or the people to insist on the importance of appointing a special prosecutor at that point in time. I think it could have been handled differently. I think the Senate committee could have called the prosecutors up there in executive session and said what have you got, let's see what kind of job you are doing, subject them to some type of scrutiny. If convinced they were doing a decent job, go ahead and let them do it, but to appoint a special prosecutor means that the Department of Justice, a vital institution, one of the oldest Cabinet agencies, one of the foremost principals of civilized society, is inadequate to do the job it is appointed to. I think that is terrible.

Senator TALMADGE. Pursuing that one point further, who made the decision to appoint the special prosecutor?

Mr. PETERSEN. I think the President recommended it.

Senator TALMADGE. That is what I thought. You inferred it was the Senate.

Mr. PETERSEN. Well, that is my point of view and it may be that I have a biased point of view. My own point of view is that first of all, the President didn't want to do it. I didn't want to do it. I recommended against it, Kleindienst recommended in favor of it. From my point of view it was the Senate's insistence that precipitated it and I think it is unfortunate. I finally reached the conclusion at the later stages of the proceeding and told the President the situation is deteriorating too rapidly and I regret it, I think there is such a lack of confidence that you have to recommend that it be done.

Senator TALMADGE. You referred to washing dirty linen. This was not the dirty linen of the Department of Justice but the dirty linen of the people of the United States, was it not, Mr. Petersen?

Mr. PETERSEN. Yes, sir; but when I say that, I say it in a very selected sense, the implication being that the Department of Justice was incompetent to do that job, that is, there was something wrong, not that the Department of Justice was responsible for these acts but the Department of Justice in the exercise of its professional responsibility was unable to do its job. Dirty linen only in that limited sense, Senator.

Senator TALMADGE. Mr. Chairman, I have no further questions. Mr. Petersen, again I want to compliment you on your eloquence, forthrightness, and candor, sir.

Mr. PETERSEN. Thank you.

Senator ERVIN. Senator Gurney.

Senator GURNEY. Thank you, Mr. Chairman.

Perhaps I might take a little bit of heat away from you by giving you my own ideas about why a special prosecutor was appointed. I remember a meeting the Republican Senators on the Judiciary Committee had with Mr. Richardson before his confirmation proceedings. It is customary for a nominee to come around and visit with all of us Senators, Republicans as well as Democrats, and it was the unanimous advice of the Republican Senators on the committee to Mr. Richardson that if he wanted to be Attorney General he would have to appoint a special prosecutor. I think I am saying what you really didn't want to say. It was a political decision and it was our advice that if we are going to have an Attorney General we would have had to have a special prosecutor.

Mr. PETERSEN. I would, if you say if you take me or leave me.

Senator ERVIN. This is not to say the idea was a good one or bad one, it is to confirm your, I think, implication that there were some politics connected with it, and I am not indicating that the politics were good or bad. A lot of decisions in Washington are made with political overtones as well as other things because that is what government is all about.

Mr. PETERSEN. Political is a political act in the broadest sense of the term.

Senator ERVIN. You were about to answer a question that Mr. Baker posed to you about the grand jury and you didn't complete it and I was curious. You said the grand jury was not unaware of and then stopped.

Mr. PETERSEN. The grand jury was aware of its rights to insist on calling people and indeed we had explained to them what the situation was and what the publicity problem was and they understood at the time of the Stans subpoena, but thereafter Mr. Stans and Mr. Mitchell appeared for civil depositions and Mr. Stans and Mr. Mitchell were making statements to the press and, the grand jury very rightly said if they are doing this there is no reason why they shouldn't come up here, and we said that is fine. They wanted to hear Mr. Mitchell. There was no substantive reason at this point on the record. They didn't believe Magruder's story and they wanted another witness to say whether that was true or false and they subpoenaed John, we subpoenaed John Mitchell. The grand jury was aware at that point they could have issued their own subpoena if we had refused or that they could have gone out and said the prosecutors won't subpoena them. They were not unaware of what they could do.

Senator GURNEY. Incidentally, back to that special prosecutor issue again.

As I remember, I was asked, not once but many times, about my own opinion on the special prosecutor, since I was on the Judiciary Committee, as you know. This is more in appearances back home in Florida politically. And I said I don't think we ought to have one because I think one of the things we need more than anything else is to get these people indicted and tried as soon as we can.

I think that is what this country needs more than anything else, to clean up Watergate in the courts so that the people will have confidence in the system, particularly the judicial system, and the appointment of a special prosecutor, as I see it, is simply going to slow this process up by certainly many weeks and many, many months because the new men that are going to be brought in are going to have to completely brief themselves on matters that have been going on now for many months.

Mr. PETERSEN. That is true.

Senator GURNEY. And I would like to ask you, as the Assistant Attorney General in charge of this whole affair, isn't it a fact that we have slowed up justice by doing this and that the indictments are going to be held up and we are not going to get the justice we should have gotten until a long time after we could have gotten it? Isn't that a fact?

Mr. PETERSEN. Well, I think that is a fact and we are all in favor of speedy justice and it is going to be delayed in this instance.

But I have to say, and I am happy to say that you agreed with me, but especially since you have a different perspective. But as I have thought about this thing, and I certainly would have taken that position, the same position with you all, indeed I planned to come to see Senator Ervin as I did with Mr. Patman, urging you not to conduct the hearings and what have you.

But if I had been a Senator of the United States, I am not at all sure that I would have taken the same position.

Senator GURNEY. Well, I think all of us with hindsight and 20-20 vision would have made different decisions, but now I am talking about—

Mr. PETERSEN. All I am saying, I can respect the point of the committee that there are larger interests in here than simply the prosecution. That is a valid point of view.

Senator GURNEY. I think there are, too, and I think now that all of the dirty linen has come out in these hearings and now that we know as much as we do about this whole Watergate affair, it is probably better we have a special prosecutor just to make sure that everybody understands that the prosecution is being done by somebody who is independent of the administration. But that wasn't the point I was making.

Mr. PETERSEN. I understand.

Senator GURNEY. The point I was making is that actually justice would have been more speedily arrived at.

Mr. PETERSEN. We pay the price.

Senator GURNEY. If we hadn't gone in that direction.

Mr. PETERSEN. Yes, sir.

Senator GURNEY. Did you know at any time, Mr. Petersen, that Haldeman and Dean were trying to get the CIA to stop the investigation of the FBI as far as the Mexican money was concerned?

Mr. PETERSEN. Only to the extent of Pat Gray's conversation with me on or around July 5.

Senator GURNEY. What did he tell you at that time?

Mr. PETERSEN. He didn't tell me he had been contacted by the White House. He told me he had been in contact with CIA and that there was some, it was a very guarded conversation type of thing, well, need to know situation, and I simply, well, that may be, but don't accept that unless you accept it in writing, but I had no more information than that on that.

Senator GURNEY. You didn't know anything about the White House involvement?

Mr. PETERSEN. No.

Senator GURNEY. Just CIA?

Mr. PETERSEN. That is right.

Senator GURNEY. At any time during this whole sad affair, either last year or this year, until the events that transpired around April did anybody try to pressure you to stop or slow down or soft-pedal this investigation that you were in charge of?

Mr. PETERSEN. No, sir, the only thing that could possibly cast in that category would be the call from Ehrlichman with respect to Stans' subpoena and, you know, frankly, that didn't bother me too much. As I told Kleindienst, he just made a mistake. But no one else. There was some pressure to get the indictment out, get the indictment, they wanted it out by September 1. We couldn't do that. I frankly promised them September 1, we couldn't do it until September 15. That didn't impair the investigation. We were ready to go to trial in November, but Judge Sirica had a bad back and continued the thing on his own motion.

Senator GURNEY. Let me inquire about the contacts you had with the President of the United States. The log here shows a great many phone calls as well as some meetings. Of course, you have covered some of them.

Mr. PETERSEN. Some of them, yes, sir.

Senator GURNEY. What about those four phone calls which the President initiated to you after your afternoon meeting with him on April 5. What were those about?

Mr. PETERSEN. The first was should I meet with John Dean. Yes. The second was a meeting has been set up. The third was if Liddy is not talking because of any sense of misguided loyalty to me, you had better disabuse him and I am issuing orders to you to that effect. The fourth one, I have had a meeting with Dean, he has given me basically what he has told you and I think it has been helpful.

Senator GURNEY. Without going over all of these, because I know you have covered some of them, but I can't identify what you have and what you haven't. Generally, what was the President calling you about during this period of time?

Mr. PETERSEN. Status reports, immunity, the Ellsberg thing. Strachan's testimony. We had Strachan like this and Magruder on one side and Strachan on the other and we finally decided to put them both



on a lie detector. He wanted to know how they came out, that sort of thing.

Senator GURNEY. He was keeping almost in daily touch and sometimes, of course, several times a day?

Mr. PETERSEN. One qualification I ought to put. The President had asked me to give, after I gave him the initial memorandum, gave me a complete memorandum of everything that you have on the White House personnel and I caused an examination of the records to be made and found that I had to tell him as we had previously agreed, Mr. President, I cannot produce all of that other information, it is grand jury information and we previously agreed—he and I—I should not disclose grand jury information to him.

Senator GURNEY. One general question here. I don't know whether you can put a handle on it or not. During all of this investigation and trials and everything did you at any time suspect that there was a coverup going on Watergate? Did you have a feeling on it?

Mr. PETERSEN. Visceral reaction. The word I used to the prosecutors and Kleindienst, nobody acts innocent. You couldn't translate that. There was an overriding concern. There were no records. Things were destroyed. They didn't act like innocent people. Innocent people come in and say, "Fine, what do you want to know?" It was not like that, it was a visceral reaction. Yes, that is the reason we were so insistent to get this thing, get them tied down to sentence and immunize them.

Senator GURNEY. It was your thought when you got to that stage of the point, you would get probably what happened after McCord got the message from the judge?

Mr. PETERSEN. That is right.

Senator GURNEY. One other thing. The Senate, of course, out of our hearings and some of these confirmations we have had during the past year, and especially the Gray confirmation hearings, have been concerned about the status of the FBI. Suggestions have been made by one or two Senators very impressed with the idea of perhaps setting up the Agency as an independent agency and out from under Justice.

As one who probably has had as much experience with the FBI over the years, at least in preparation of evidence for criminal cases, what would be your own opinion on that, Mr. Petersen?

Mr. PETERSEN. I would be reluctant to see that done. Like most things in a democracy, decisions are a result of a compromise and you operate at a lower level of efficiency than is maximally possible. That may be so. You might have a more efficient investigative agency if you separated them, put them out, but I would find it a little frightening: I think they ought to be subject to some degree of political control.

You see, it is very strange, Senator, you know, before Mr. Hoover died he was criticized for his independence. After his death, the Bureau is being criticized because they are not independent enough. Which-ever is the truth I think it points up something that is very important, the Bureau ought to neither be independent nor completely dependent and I think the answer is to have a strong investigative agency under the charge of the Attorney General. I think the Office of the Attorney General is a very, very difficult one. I think that he ought not to have responsibility of Presidential adviser. I think he ought to be the At-

torney General of the United States in charge of litigating the Government's business, in charge of investigation, but I don't think he ought to be either political or legal adviser to the President.

Senator GURNEY. To put it another way, you think that perhaps the dangers of political supervision are less than a total independent investigating agency.

Mr. PETERSEN. I think so; yes, sir.

Senator GURNEY. Thank you, Mr. Petersen.

That is all, Mr. Chairman.

Senator INOUE. Mr. Petersen, in his testimony before this committee, Mr. Dean stated that he had informed the President that "perhaps Liddy would agree to cooperate if the President would meet with Liddy's lawyers and give the signal that Liddy was apparently waiting for." This is supposed to have happened on or about April 15.

He then stated that, "The President picked up the telephone and called Petersen and told him if Mr. Liddy's lawyer wanted to see him to get a signal that the President was willing to do this."

Do you remember such a call, sir?

Mr. PETERSEN. Yes, sir; and that was not the context of the call. The question was not that the President was agreeable to seeing Liddy's lawyers. Indeed, if he had suggested it I would have recommended against it. I do not believe the President of the United States ought to be involved in the law-enforcement business.

What the President said was, if he is waiting for a signal from me, or from the White House, that he should cooperate, I want that signal given and you get in touch with his lawyers immediately. That, I did.

Senator INOUE. What was the signal, sir?

Mr. PETERSEN. I called Mr. Tom Kennelly and I told him that the President had instructed me to get in touch with Mr. Liddy's counsel and have requested that they advise Mr. Liddy that the President expected everybody to cooperate in this investigation. Mr. Kennelly assured me that he would do so. He conveyed that information to Mr. Maroulis, who is not only Mr. Liddy's counsel but I am told, a long-time friend.

Mr. Maroulis called me around 12:15 that night to confirm it for him and he assured me he would convey that information to Mr. Liddy.

Senator INOUE. This afternoon you testified that you and your prosecutors could not believe Mr. Magruder, especially his story about money. Am I—

Mr. PETERSEN. That is right, Senator.

Senator INOUE. If that is the case, and if you did not believe Mr. Magruder, why did you put him on the stand as a Government witness?

Mr. PETERSEN. Because we could not disprove it. All we had was a visceral reaction, what I call the poor boy syndrome. You know, in effect, what they were saying is well, you all do not know how these things operate. Here we have a \$30 or \$40 million political campaign, \$350,000 is not much. Well, maybe it is not to them.

Senator INOUE. So you placed on the stand a Government witness you could not believe?

Mr. PETERSEN. No, sir. That is—well, I just said that. We did not believe—well, that is right. I mean, I had a visceral reaction that he

was not telling the truth, but for a prosecutor we have to go beyond that. We did not have any evidence to suggest it. He got on the stand, told his story, told his story to the grand jury. We could not refute it. I did not like the story but I did not have any evidence. All I could say is it does not add up.

Senator INOUE. Mr. Dean in a statement before this committee testified that he called you after Mr. Magruder's appearance before the grand jury in August of 1972. Did he call you, sir?

Mr. PETERSEN. Yes, sir, he did.

Senator INOUE. He further testified that he asked you how Mr. Magruder's testimony went and you were supposed to have responded that Mr. Magruder had made it through "by the skin of his teeth."

Mr. PETERSEN. That is not correct. I remember the conversation very well because, I did not know the answer when Dean called. I had to call Silbert. I did call Silbert and Silbert said, he is an articulate young man. He made a good appearance, good witness in his own behalf, but nobody believes the story about the money. But there is no—the grand jury did not. They just—they were—again, that overstates it but they were uncomprehending how such a large sum of money could be given to a man and he had no requirements to file records or to account for it or explain to his superiors how it was spent, and that is the statement that I gave to Mr. Dean. He made a good witness but the grand—nobody believes his money story. And that was where we were focusing our efforts. That is where we were concerned because the records had been destroyed.

Senator INOUE. I will read the full paragraph and if I may have your comments.

Following Magruder's appearance before the grand jury I received a call from Higby requesting information for Haldeman as to how Magruder had done before the grand jury. I subsequently called Mr. Petersen who said he would find out and call me back. Petersen called back and said he had made it through by the skin of his teeth. I called Haldeman and so informed him and subsequently, informed Mitchell and Magruder. I recall that Haldeman was very pleased because this meant that the investigation would not go beyond Liddy.

Mr. PETERSEN. I mean, I have no comment except that the obstruction was successful, Senator. I mean, that is what it was. We had lying witnesses, and, of course, that is the problem with the forthcoming prosecution. You have got people who have lied two or three times under oath.

Senator INOUE. In July of 1972, soon after the break-in, Mr. Alfred Baldwin, who was in the hotel, I believe advised the prosecutors that on May 30 two bugs had been placed in the Democratic National Committee headquarters.

Mr. PETERSEN. I am not sure of that, Senator.

Senator INOUE. And after the arrest they found one bug in Larry O'Brien's telephone. Mr. Baldwin had notified your prosecutors that the other one was in Mr. Spencer Oliver's telephone. For some reason that telephone was not searched.

On September 13 the C. & P. Telephone Co. made a sweep and found this bug and a few days later the Vice President of the United States and the Attorney General suggested that this bug had been placed in there by Democrats to confuse the issue and embarrass the Republicans.

If the prosecutors knew that there were two bugs there why wouldn't the FBI be——

Mr. PETERSEN. This was a source of concern to the prosecution, Senator. After that second device was found in Spencer Oliver's telephone we went back to the FBI and there are records and files of the Department of Justice reflecting this, the memorandum from Mr. Silbert in which he quite literally questioned whether the Bureau was telling the truth. The Bureau said they had checked that telephone and there was nothing there and the investigation was proceeding on the grounds that it may have been installed at a later date or by someone at the committee to exacerbate the situation.

We did not know what the truth of that was and we instituted——asked the Bureau to look into this doubly sure, to make certain that they knew what they were talking about. I am not at all certain. Frankly, I think they missed it and they did not want to admit it. That is all. That is my own evaluation of it. One thing about the Bureau, they are never good at admitting their mistakes. [Laughter.]

Senator INOUE. Mr. Dean, in his interview with this committee, stated that immediately after the break-in he held a meeting with Mr. Kleindienst and yourself and at this meeting it was discussed that, although he had no direct evidence, he was afraid that this matter could lead directly to the President. Did he ever say such a thing?

Mr. PETERSEN. No, sir. As a matter of fact, that whole conversation is entirely miscast. It was Kleindienst and I who were telling him that, you know, obviously, this thing had dire political ramifications and the only thing that could be done would be for the Department of Justice to run it all out and the President ought to be told. Mr. Dean's statement, perhaps honestly, you know, miscast that in a very favorable light to him. That is all I can say.

Senator INOUE. I believe my time is up, sir. Thank you, very much.

Senator ERVIN. Senator Weicker.

Senator WEICKER. Mr. Petersen, I would like to ask you a question that I asked other witnesses before this committee. I again refer to the President's statement of April 30, 1973, in which he states:

As a result, on March 21st I personally assumed the responsibility for coordinating intensive new inquiries into the matter and I personally ordered those conducting the investigations to get all the facts and to report them directly to me right here in this office.

And my question to you is, on March 21, or thereabouts, did you receive any such orders from the President of the United States?

Mr. PETERSEN. No, sir. Our understanding of that is that he charged Ehrlichman with conducting that inquiry at that point.

Senator WEICKER. Mr. Ehrlichman's own testimony, just so the record stays straight, is he was charged on March 30.

Mr. PETERSEN. Well, all I know is the March 21 date, sir.

Senator WEICKER. I wish somebody would answer the question so that I do not have to continue to race around this town trying to find out who it was that was ordered to conduct these investigations. The President stated:

I personally ordered those conducting the investigations to get all the facts and report them directly to me right here in this office.

This committee has received testimony that Mr. Ehrlichman was ordered to conduct an investigation on March 30. Mr. Gray has denied

that the FBI received any orders. Mr. Kleindienst has denied that as Attorney General he received any orders. You denied you received any orders. Exactly who was it in the city of Washington who was ordered on March 21 to conduct investigations?

Mr. PETERSEN. I have no way of knowing. The only time I was ever in the White House for an extended discussion was April 15.

Senator WEICKER. Insofar as this committee has been able to develop the evidence, assuming that the earliest point in time was March 30 in a directive to Mr. Ehrlichman, we have a gap really, of 9 days between the 21st when this new information came to the President and the 30th which is Mr. Ehrlichman's testimony, his testimony given before the committee as to when any investigations were conducted. As far as you are concerned, your investigation commenced on April 15, is that correct?

Mr. PETERSEN. No.

Senator WEICKER. Well, I mean, in other words, the President put you in charge of this matter on that date. Would that be—

Mr. PETERSEN. Kleindienst recused himself and I was the next guy there.

Senator WEICKER. All right. Now, there are a couple of questions that came to mind as I kept on reading this statement. This statement was made on April 30 and the reference is to new information on March 21. There is no reference at all to April 15 which I consider to be a rather significant date insofar as the information given the President, at least information by you and Mr. Kleindienst, or Attorney General Kleindienst.

Nowhere in this memorandum of April 15—nowhere in here is mentioned the fact of your conducting the investigation as of April 15. Could you give me any reason? Were you consulted at all prior to this statement being made?

Mr. PETERSEN. The April 30 statement?

Senator WEICKER. The April 30 statement.

Mr. PETERSEN. I knew that the President was up at Camp David working on something but I was not consulted with respect to its content; no, sir.

Senator WEICKER. And yet, you were the one that was put in charge of the investigation as of April 15, right?

Mr. PETERSEN. That is right, but if I had been requested I think I would have demurred. I did not regard it as my obligation to—well, you talk about conflict. I did not want to be—what I just said about the Attorney General. I did not want to be sitting there advising the Attorney General—the President with respect to what type of statement should come out of the White House. I wanted a free hand to run the investigation. That was prepared by counsel at the White House.

Senator WEICKER. Now, in the course of that investigation. In the course of your findings, even before you were officially put in charge, did it come as a surprise to you that the Attorney General, Mr. Kleindienst, was arrayed with Mr. Haldeman and Mr. Ehrlichman and Mr. Dean?

Mr. PETERSEN. Yes, sir; and I was very disappointed with the President's action in that regard. Indeed, as a matter of fact, Mr. Kleindienst in our meeting on April 15 had raised a question as to whether or not, since he was recusing himself, he should resign, and we dis-

cussed it and I recommended against it and the President recommended against it, so I was considerably surprised and frankly, disappointed.

Senator WEICKER. Now, you indicated that on April 26—this was the evening in Mr. Kleindienst's office, the evening that Pat Gray returns to talk with you and the Attorney General in his office—that prior to that meeting you had talked to the President.

Mr. PETERSEN. Yes, sir.

Senator WEICKER. And we had evidence from Mr. Kleindienst in the morning that he talked to the President during the course of that meeting. And yet, when the meeting is over, Mr. Gray is still in position. Why wasn't any action—can you give me at least from your conversation with the President, and/or your recollection, why wasn't Mr. Gray notified right then and there this is it?

Mr. PETERSEN. Well, I happened to be in Mr. Kleindienst's office when the call came through.

Senator WEICKER. Right.

Mr. PETERSEN. The President spoke to Mr. Kleindienst. Obviously, I could hear only Mr. Kleindienst's half of the conversation. Immediately after he got off the telephone he said we have to talk about Pat Gray, and what have you, and then the telephone rang again and this time it was for me and I walked out to the back office and took it. It was the President and he asked what I thought and I told him that I thought Pat's position was untenable, that I thought he was an innocent victim and I regretted it, and what have you, and he said, well, talk to Kleindienst about it and the two of you get together with Pat Gray.

We called Pat's office and he was just about to leave. We ran him down, brought him back there. We sat down and discussed the situation and not tearfully but almost so, and at the conclusion Mr. Kleindienst went out—I do not know whether he had another call from the President or went out to make one, but that was it.

We left with no decision. I was under the strong impression that Mr. Gray would resign. I thought he had to think it over and I expected he would think it over. So when he called me the next morning and told me that after a night of thought he decided that he had no other alternative, I was not surprised.

That is all I can tell you about it, Senator.

Senator WEICKER. Did you mention in testimony before the committee here this afternoon—it just slipped by and I am not so sure that I understood the context, and I might not have understood the substance either, which said that the President offered tapes to you?

Mr. PETERSEN. The President called on April 18 about the John Dean conversations on the night of April 15. His question was, has John Dean been immunized, and I said no. And he said, well, he says he has. And I said that is not true.

We got into an argument which was ridiculous because neither one of us was present when the agreement was entered into, and I said, wait, I will check with the prosecutors. He said, well, I have it on tape. I said I will take your word for it. I do not want to hear it. And so let me check with the prosecutor.

So I called up the prosecutor, and Silbert said no. I said, well, go back and check with his lawyer.

That was the tape that was referred to. I told Mr. Cox about that day at the White House. I am told that the President said that that was a statement of—tape of his recollections of the meeting. Now, whether it was a taped conversation or not, I do not know, of the meeting as opposed to a tape that the President made of his own recollections. One is true, but I do not know which.

Senator WEICKER. I am sorry. I just lost you on that last part.

Mr. PETERSEN. One of two possibilities exist. Either that was a tape being utilized at the time the President met with John Dean—

Senator WEICKER. I see.

Mr. PETERSEN [continuing]. Or after the meeting the President sat down in front of a tape recorder and recorded his own recollection. I don't know which he was referring to.

Senator WEICKER. I see. I see.

But in any event, he offered—was it on April 18—

Mr. PETERSEN. Yes, sir.

Senator WEICKER [continuing]. A tape to you of this conversation with John Dean?

Mr. PETERSEN. That is right.

Senator WEICKER. Of his conversation with John Dean?

Mr. PETERSEN. That is right, which I refused to listen to.

Senator WEICKER. Which you refused to listen to, right?

Just two more questions. On September 13, 1972, dropping back just a little bit—

Mr. PETERSEN. The date, Senator?

Senator WEICKER. September 13, which date—let me give you what occurred there which might refresh your memory far better than a date.

Did you receive a summary memorandum from Mr. Silbert which indicated that there might have been others higher than Liddy and Hunt involved in the Watergate matter?

Mr. PETERSEN. September 13, 1972?

Senator WEICKER. Back in September 1972.

Mr. PETERSEN. I don't recall such a memorandum. About the only thing I could think of would be a prosecutor's memorandum which probably came in about that time just before the indictment, but I think that that is unlikely that there is such a memorandum. If you recall—

Senator WEICKER. Did you get summaries from Mr. Silbert?

Mr. PETERSEN. No. I got oral reports from Mr. Silbert of the investigation as it progressed, usually on a daily basis. There was a written recommendation with respect to prosecution and the basis of prosecution of the seven on or about the second week in September just before the indictment.

Senator WEICKER. And was there any indication in that memorandum that more might be involved?

Mr. PETERSEN. I don't recall, Senator; no, sir.

Senator WEICKER. Then lastly, this last question I have got, you indicated with some anger, and I must say I can't blame you—

Mr. PETERSEN. I apologize for my intemperance.

Senator WEICKER. You are a professional man. I don't blame you for sticking up for your branch. Maybe there was some sort of lack of confidence on the part of the Senate in you, members of the Justice

Department, professional staff over there. Has it occurred to you that maybe the lack of confidence did not exist in you, that—

Mr. PETERSEN. Yes. Yes. I like to think that. It occurs to me every day. [Laughter.] But I think it is a self-serving thought, Senator.

Senator WEICKER. The quest for the truth, at least in a legal sense—this is something that is looked upon, at least so far as the American people are concerned—they look to the executive branch of Government. Don't you think that is true? I mean, rather than to blame it on yourself or feel that is a relationship between you and us in this matter?

Mr. PETERSEN. Senator, that is what I was—the thought I was trying to get across when I said I would take one position as a prosecutor and perhaps another as a Senator of the U.S. Senate. I understand the larger implications. I don't really like it.

Senator WEICKER. I have no further questions, Mr. Chairman.

Senator ERVIN. Senator Montoya.

Senator MONTOYA. Mr. Petersen, don't you find it very peculiar that the President offered to play this particular tape with respect to Dean, and he refuses any tapes to the prosecutor downtown and to this committee?

Mr. PETERSEN. No, not especially.

Senator MONTOYA. Why?

Mr. PETERSEN. I think that—well, let's take an attorney workpaper. We argue that they are privileged. New counsel comes in to assist old counsel. Old counsel shows him his workpapers. That is quite a different thing than turning it over to the other side, to the defendant's lawyer.

If the President obviously thinks of this as the other side at least in terms of the executive versus the judiciary or executive versus the legislative branch, I don't think that is necessarily inconsistent, Senator. I think that the President was willing to let me hear it because it was apropos to our discussions, but at that point, at that point he considered me bound by executive privilege and he had told me so. He subsequently released me, but at that point he certainly did.

Senator MONTOYA. Well, couldn't he do this with Mr. Cox?

Mr. PETERSEN. I don't know.

You know, I hesitate to comment on what he could do with Mr. Cox. The question is in litigation. I understand it has been argued today and it is one of the grand issues of law. You know, it has only been litigated once. It is a very interesting issue and I don't think I ought to comment on it, Senator. I would be delighted to discuss it with you in private.

Senator MONTOYA. Wouldn't you think that if the President called Mr. Cox and played the tapes to him on an executive privilege basis that Mr. Cox would honor that commitment?

Mr. PETERSEN. Well, I wouldn't if I were Mr. Cox.

Senator MONTOYA. You would what?

Mr. PETERSEN. I would not if I were Mr. Cox. I would want those things without qualifications. It doesn't do him any good to get information that he can't use.

Senator MONTOYA. Have you in the Department of Justice discussed the significance of keeping the tapes in the sanctuary of executive privilege, the legal significance?



Mr. PETERSEN. I have not, Senator, discussed it with anyone. I have given it some thought.

Senator MONTTOYA. What kind of thought have you given it?

Mr. PETERSEN. Well, first of all, I am not at all shocked that the President of the United States records conversations. Whether or not he is selective about it is something else. I am not even shocked that he does not disclose, because to disclose I think would put everybody on camera and you might have some lack of candor on the part of his advisers.

I think it is terribly important for the head of state, the head of state of the strongest Nation of the world, to have some records.

Let's assume that some visiting statesman comes in here.

I don't see any objection to that. I certainly have no objection. If his conversations were recorded I don't have any objection.

Senator MONTTOYA. What about the evidentiary significance of the tapes with respect to a defendant's rights?

Mr. PETERSEN. With respect to whose rights, Senator?

Senator MONTTOYA. Defendant's rights. Or let me ask you the question in this form.

Will not the failure to produce the tapes lead to some cases possibly being dismissed since the information on the tapes could be claimed to be exculpatory in nature?

Mr. PETERSEN. Well Senator, I really don't know the answer to that. Let me tell you it has come up in another context. It comes up in the context of this committee. It comes up in the context of what is now the Jackson committee, the McClellan committee. It is one of the questions that we are struggling with down there, we and the committee. We are not in a confrontation situation but it is of mutual concern to both of us. We are investigating a case. They are interviewing some of the same witnesses. They take statements from those witnesses. The question is, are they producible? They are certainly not producible unless the Senate passes a resolution. If the Senate doesn't pass a resolution, does our case get thrown out? I hope not.

Senator MONTTOYA. Yes, but you didn't answer my question.

Mr. PETERSEN. I don't know the answer.

Senator MONTTOYA. Well, have you given—

Mr. PETERSEN. I have given it some thought.

Senator MONTTOYA [continuing]. The situation some thought?

Mr. PETERSEN. I know it is a problem. Yes, sir. Whether it is from the executive branch or legislative branch, the same problem exists.

Senator MONTTOYA. Well, isn't this in the same category as a wiretap?

Mr. PETERSEN. No, sir; absolutely not.

Senator MONTTOYA. Not produced in court?

Mr. PETERSEN. No, sir.

Senator MONTTOYA. I mean an illegal wiretap.

Mr. PETERSEN. No, sir.

Senator MONTTOYA. Why not?

Mr. PETERSEN. Because *White v. United States* decided by the Supreme Court holds that consensual eavesdropping is not illegal.

Senator MONTTOYA. And do you mean to tell me that there isn't a court in this land that would dismiss a case against the defendant if exculpatory information was contained in tapes under the umbrella of executive privilege and is stored in the White House?

Mr. PETERSEN. No, sir, I do not mean to tell you that. I am telling you that that is an issue that concerns us. If exculpatory information is given to another branch of government and the Department of Justice as the agents of the executive branch brings a case, it is very conceivable that the Congress of the United States, or the President, or the courts, or somebody else may be required to produce exculpatory information under court order. That is certainly possible.

Senator MONTAYA. Well, it would be on this basis and for that reason, then, wouldn't it?

Mr. PETERSEN. I am not sure I get the gist of your comment.

Senator MONTAYA. If a court would order the production of those tapes, it would be to protect the rights of defendants.

Mr. PETERSEN. Well, that would depend on their context. If it was exculpatory information, if the court held there was no privilege and if the court held that it was producible and if the court held that the Government was a monolith and the Department of Justice was responsible for the Presidency and the Congress, it is conceivable they would throw the case out if we didn't produce it even though it wasn't under our control, yes, sir.

Senator MONTAYA. All right. Now, I will ask you about your testimony before the committee in private. I have a witness summary here which indicates as follows, and this is paraphrasing your testimony:

Sometime after the Watergate break-in Petersen and Dean had more extensive contacts because of complaints from the FBI or the prosecutors about White House foot-dragging.

What did you mean by that?

Mr. PETERSEN. Well, what happened was if the Bureau wanted something, they would go about it through their own devices. A meeting would be set up. It would be canceled, or Dean would say we will send it up but he would be slow in getting back to them on time. Then the Bureau would come—"foot dragging" is my phrase. The Bureau would come and say, you know, we have been after them for a week. I would call Dean and he would send it up. Or Silbert would say I am trying to set up a meeting of the agents with so and so. I would call Dean and say expedite it.

Senator MONTAYA. My time is up. Thank you.

Senator ERVIN. When was it that you and Mr. Kleindienst had a meeting early in the stages of the—

Mr. PETERSEN. Well, Dean testified it was around the Monday or Tuesday following. I really don't recall. It was in the very early stages of the investigation.

Senator ERVIN. Did Dean say the White House couldn't stand a wide-open investigation?

Mr. PETERSEN. No, I don't understand that.

Senator ERVIN. What was it he said that caused you to say that the matter was of such importance that it ought to be reported to the President of the United States?

Mr. PETERSEN. Well, you know, I don't know what he said. I think I was just pontificating, to be perfectly honest with you. Here we had a violation, a burglary of the opposition political party by persons who were identified with the Committee To Re-Elect the President in an election year and I thought that was an awesome political consequence and the President ought to really jump out on it.

Senator ERVIN. And you suggested he ought to be notified.

Mr. PETERSEN. Yes, sir.

Senator ERVIN. His attention ought to be called to it.

Now, in the early days of this investigation, did it become obvious to you that there was a conspiracy, that this crime was of the nature of conspiracy?

Mr. PETERSEN. I think that at the outset we considered it a conspiracy; yes, sir.

Senator ERVIN. And is it not true, on your experience in investigating cases, that conspiracies ordinarily are made in secrecy and carried out in secrecy?

Mr. PETERSEN. Absolutely.

Senator ERVIN. And in light of and I don't contend—that this is an easy case to break, I think it was a very difficult case to break because I think the evidence before this committee indicates that a comparatively small number of men had participated in these matters and naturally they had a self-interest which would prompt them to try to conceal it. In the light of testimony here, we have received testimony that sums of money of approximately \$450,000 were paid to these original defendants and their counsel and their families and the inference might be drawn that it would pay to keep them silent. So I don't think it is a very easy case to break. So I do think we need to consider all angles and all viewpoints of this to make a complete picture for the committee and I want to take this occasion to thank you on behalf of the committee for very candid and very expressive evidence, very eloquent testimony.

Mr. PETERSEN. Thank you for your comments, sir.

Senator BAKER. Mr. Chairman, I have a number of other questions that will be collateral to the main points that have been made by Mr. Petersen and by the members of the committee. I will reserve those except to say that I, too, wish to thank Mr. Petersen for his forceful presentation, for the clarity of his expression, for our ability to gain an insight into how the investigation proceeded. We are grateful for that. Thank you.

Mr. PETERSEN. Thank you, Senator.

Senator ERVIN. Any further questions?

Senator GURNEY. Nothing further, Mr. Chairman.

Senator WEICKER. No further questions.

Senator ERVIN. Senator Inouye, any further questions?

Senator INOUE. No questions.

Senator MONTAYA. No questions.

Senator ERVIN. Any further questions of counsel?

Mr. DASH. I have no further questions, Mr. Chairman.

Mr. THOMPSON. No further questions, Mr. Chairman.

Senator ERVIN. Well, the committee wants to thank you again for your cooperation.

Mr. PETERSEN. Thank you, sir.

Senator ERVIN. The committee will stand in recess subject to the call of the Chair.

[Whereupon, at 4:45 p.m., the committee was adjourned, subject to the call of the Chair.]



MONDAY, SEPTEMBER 24, 1973

U.S. SENATE,  
SELECT COMMITTEE ON  
PRESIDENTIAL CAMPAIGN ACTIVITIES,  
*Washington, D.C.*

The Select Committee met, pursuant to recess, at 10 a.m., in room 318, Russell Senate Office Building, Senator Sam J. Ervin, Jr. (chairman), presiding.

Present: Senators Ervin, Talmadge, Inouye, Montoya, Baker, Gurney, and Weicker.

Also present: Samuel Dash, chief counsel and staff director; Fred D. Thompson, minority counsel; Rufus L. Edmisten, deputy chief counsel; Arthur S. Miller, chief consultant; Jed Johnson, consultant; David M. Dorsen, James Hamilton, and Terry F. Lenzner, assistant chief counsels; Marc Lackritz, William T. Mayton, Ronald D. Rotunda, and Barry Schochet, assistant majority counsels; Eugene Boyce, hearings record counsel; H. William Shure and Robert Silverstein, assistant minority counsels; Pauline O. Dement, research assistant; Eiler Ravnholt, office of Senator Inouye; Bruce Jaques, Jr., office of Senator Montoya; Ron McMahon, assistant to Senator Baker; A. Searle Field, assistant to Senator Weicker; Ray St. Armand, assistant publications clerk.

Senator ERVIN. The committee will come to order.

Counsel will call the first witness.

Mr. DASH. Mr. E. Howard Hunt.

Senator ERVIN. Mr. Hunt, will you stand up and raise your right hand? Do you swear that the evidence which you shall give to the Senate Select Committee on Presidential Campaign Activities shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. HUNT. I do.

Senator ERVIN. Let the record show that Mr. Hunt is testifying under order granting him use immunity.

Counsel will proceed with the interrogation of the witness.

Mr. DASH. Mr. Hunt, are you accompanied by counsel?

Mr. HUNT. I am.

Mr. DASH. Will counsel please identify yourself for the record?

Mr. SACHS. My name is Sidney S. Sachs, I am a lawyer, a member of the bar of the District of Columbia and I am accompanied by my partner, Mr. Robert M. Scott and my law clerk who has been helping in this case, Mr. Henry Goldman.

Mr. DASH. Mr. Hunt, do you have a statement which you wish to read to the committee?

**TESTIMONY OF E. HOWARD HUNT, ACCOMPANIED BY  
SIDNEY S. SACHS, COUNSEL**

Mr. HUNT. I do.

Mr. DASH. Will you read it, please?

Mr. HUNT. Mr. Chairman and members of the committee, my name is E. Howard Hunt. I am here today to answer questions bearing on your current investigation. I have been informed that it is permissible for me to make a preliminary statement, and I want to take advantage of that opportunity. I will describe my personal background, my relationship to the Watergate entry, and the events which have befallen me since that day.

I was born in 1918 at Hamburg, N.Y. My father was a lawyer-judge; my mother was a pianist and a housewife. I was educated in the public schools of Florida and New York, and in 1940 graduated from Brown University. Six weeks later I volunteered to serve in the Armed Forces. While a destroyer officer on the North Atlantic convoy run before Pearl Harbor, I was injured and medically discharged. Later I volunteered and became an Air Force intelligence officer. In 1944, I volunteered for the Office of Strategic Services, the forerunner of CIA, and was sent to China where I was engaged in partisan warfare until the end of the war.

In 1949, I joined the CIA, from which I retired on May 1, 1970, having earned two commendations for outstanding contributions to operations ordered by the National Security Council.

During the 21 years I spent with CIA, I was engaged in intelligence, covert action, and counterintelligence operations. I was trained in the techniques of physical and electronic surveillance, photography, document forgery, and surreptitious entries into guarded premises for photography and installation of electronic devices. I participated in and had the responsibility for a number of such entries, and I had knowledge of many others.

To put it unmistakably, I was an intelligence officer—a spy—for the Government of the United States.

There have been occasions, as one might expect, when covert operations by the United States or other nations have been exposed. Such episodes have not been uncommon. When such mishaps have occurred it has been universally the practice for the operation to be disavowed and covered up. Usually, this has been done by official intervention with law enforcement authorities. In addition, the employing governments have paid legal defense fees. Salaries and family living expenses have been continued. Former CIA Director Helms has testified before this committee in regard to some aspects of this practice.

After retiring from CIA, I was employed by a firm whose officials maintained a relationship with CIA. Some months after I joined the firm, I was approached by Charles W. Colson, special counsel to the President, to become a consultant to the Executive Office of the President. Mr. Colson told me the White House had need for the kind of intelligence background which he knew I possessed. This was the basic reason for my employment, which I understood at the time was approved by John D. Ehrlichman, and now understand was approved also by H. R. Haldeman, both assistants to the President of the United States.

From the time I began working at the White House until June 17, 1972, the day of the second Watergate entry, I engaged in essentially the same kind of work as I had performed for CIA. I became a member of the special investigations unit, later known as the Plumbers, which the President had created to undertake specific national security tasks for which the traditional investigative agencies were deemed by the President to be inadequate. In this connection, I was involved in tracing leaks of highly classified information.

These investigations led to an entry by the Plumbers into the office of Dr. Lewis Fielding, Dr. Daniel Ellsberg's psychiatrist. The entry was authorized by Mr. Egil Krogh, deputy to John Ehrlichman. It was considered necessary because of the belief that Dr. Ellsberg or his associates were providing classified information to the Soviet Union. The operation was carried out with my assistance, under the direction of G. Gordon Liddy, a lawyer, former FBI agent, and member of the Plumbers unit.

The Fielding entry occurred in September 1971. In late November, I was told by Mr. Liddy that Attorney General John N. Mitchell proposed the establishment of a large-scale intelligence and counterintelligence program, with Mr. Liddy as its chief. Mr. Liddy and I designed a budget for categories of activities to be carried out in this program which came to be known as Gemstone. It was my understanding that the program had been approved by Messrs. Jeb Stuart Magruder, a former White House aide, and John W. Dean III, Counsel to the President. Later I learned that Charles W. Colson, Special Counsel to the President, had approved it, too.

In April 1972, Mr. Liddy told me that we would be undertaking the Watergate operation as part of the Gemstone program. He said that he had information, the source of which I understood to be a Government agency, that the Cuban Government was supplying funds to the Democratic Party campaign. To investigate this report, a surreptitious entry of Democratic national headquarters at the Watergate was made on May 27, 1972, and a second entry on June 17. The second entry was accomplished by a group, two of whose members had been among those who accomplished the Fielding entry. I was indicted for my part in the Watergate entry.

Following indictment and prior to my guilty plea, the court ordered the Government to produce all material taken from my White House safe, and other evidence. Some material was produced, but significant material was withheld or destroyed. Because the Government had withheld evidence, I knew there was no chance of proving my defenses. In addition, my wife had been killed in an accident in December and I was deeply depressed and anxious to devote myself as quickly as possible to the welfare of my children. Accordingly, I had no alternative but to concede that I was legally wrong and so I pleaded guilty, hoping for merciful treatment by the court.

Instead, on March 23 of this year, I was provisionally sentenced to prison for more than 30 years. The court stated that my cooperation with the grand jury and with this committee would be considered in determining my final sentence.

Since being sentenced, I have been questioned under oath on more than 25 occasions, often for many hours.

I have answered thousands of questions by innumerable investigators, prosecutors, grand jurors, and staff members of this committee. I am informed that such intensive and repeated interrogation is a most extraordinary procedure and of dubious legality. Even so, urged by the court to cooperate fully, I have not contested the procedure. In fact, I have answered all questions, even those which involved confidential communications between my attorneys and myself.

After my plea, I learned of obstruction of justice by Government officials. I learned of willful destruction and withholding of evidence, and perjury and subornation of perjury before the Watergate grand jury. This official misconduct deprived me of evidence which would have supported my position that, (a) my participation in the Watergate was an activity authorized within the power of the President of the United States, and (b) if my participation was not so authorized, I justifiably believed that it was.

Within the past few days, therefore, I have asked the court to permit me to withdraw my plea of guilty and to dismiss the proceedings against me. I believe the charges should be dismissed because, based on revelations made public since my plea, evidence is now available to prove that my participation was not unlawful, and because, to quote Judge Byrne when he dismissed charges in the Ellsberg case:

The totality of the circumstances of this case—offend a "sense of justice." The bizarre events have incurably infected the prosecution of this case.

It has been alleged that I demanded clemency and money for my family and for those who helped in the Watergate entry. I did not ask for clemency. Mr. Liddy assured me that, in accordance with the established practice in such cases, funds would be made available. I did seek such funds, but I made no threats.

Now I find myself confined under a sentence which may keep me in prison for the rest of my life. I have been incarcerated for 6 months. For a time I was in solitary confinement. I have been physically attacked and robbed in jail. I have suffered a stroke. I have been transferred from place to place, manacled and chained, hand and foot. I am isolated from my four motherless children. The funds provided me and others who participated in the break-in have long since been exhausted. I am faced with an enormous financial burden in defending myself against criminal charges and numerous civil suits. Beyond all this, I am crushed by the failure of my Government to protect me and my family as in the past it has always done for its clandestine agents.

In conclusion, I want to emphasize that at the time of the Watergate operation, I considered my participation as a duty to my country. I thought it was an unwise operation, but I viewed it as lawful. I hope the court will sustain my view, but whatever that outcome, I deeply regret that I had any part in this affair. I think it was an unfortunate use of executive power and I am sorry that I did not have the wisdom to withdraw. At the same time, I cannot escape feeling that the country I have served for my entire life and which directed me to carry out the Watergate entry is punishing me for doing the very things it trained and directed me to do.

Mr. Chairman, honorable members of the committee, I thank you for your attention and your patience. I will now undertake to answer your questions to the best of my ability.



Mr. DASH. Mr. Hunt, your statement has, I think, put sufficiently in the record introductory material concerning your background and your career and your present status under the question of Judge Sirica; therefore, I will not go into those questions or repeat that.

In the early part of 1971, Mr. Hunt, did you discuss with Mr. Colson the possibility of your obtaining a position at the White House?

Mr. HUNT. I did.

Mr. DASH. Did you have a telephone conversation with Mr. Colson, and who initiated that telephone conversation?

Mr. HUNT. I had numerous telephone conversations with Mr. Colson, Mr. Dash. I would appreciate your being a little more specific.

Mr. DASH. Yes.

On July 2, 1971—July 1, actually—did you receive a telephone call from Mr. Colson?

Mr. HUNT. I did.

Mr. DASH. Let me show you what purports to be a transcript of that conversation. Would you please look at it?

Mr. HUNT. I have examined the purported transcript, Mr. Dash.

Mr. DASH. Does that purport to be or reflect the conversation you had with Mr. Colson?

Mr. HUNT. It does; yes.

Senator ERVIN. The document will be appropriately marked as an exhibit and received as such along with the introductory memorandum for Mr. Haldeman from Mr. Colson.

[The documents referred to were marked exhibit No. 148.\*]

Mr. DASH. Now, in that conversation with Mr. Colson, did Mr. Colson question you concerning your viewpoints and attitudes concerning the Pentagon Papers of Mr. Ellsberg?

Mr. HUNT. Yes.

Mr. DASH. And would you look at page 2, the last line? Would you read that for the committee?

Mr. HUNT. Colson's question?

Mr. DASH. Yes.

Mr. HUNT [reading].

Let me ask you this, Howard, this question: Do you think with the right resources employed that this thing could be turned into a major public case against Ellsberg and coconspirators?

Mr. DASH. How did you respond to that on the top of the next page?

Mr. HUNT. My response was as follows:

Yes, I do, but you have established a qualification here that I don't know whether it can be met.

Mr. DASH. Would you continue to read the next few lines?

Mr. THOMPSON. Pardon me, Mr. Dash. May we have copies?

Mr. DASH. You should have copies of that. I understand we are checking out that a full set of all these exhibits were handed out. Some of the people next to me have indicated that that particular transcript is not there.

Mr. THOMPSON. Are you making arrangements to have copies available?

Mr. DASH. Yes, they are being run off now. There should be a copy in the set that was given to every member and yourself, Mr. Thompson.

\*See p. 3877.

Mr. THOMPSON. Could we delay momentarily until we get copies of that, so we will be able to follow along?

Mr. DASH. I can continue the questioning without reference to that transcript, Mr. Thompson.

Mr. THOMPSON. All right.

Mr. DASH. Did you understand, by the way, Mr. Hunt, that from that conversation, Mr. Colson was exploring the idea with you of a major effort to discredit Mr. Ellsberg in the press?

Mr. HUNT. Yes.

Mr. DASH. Now, did Mr. Colson eventually offer you a position in the White House?

Mr. HUNT. He did.

Mr. DASH. And I think you have indicated in your statement that he referred to specific qualifications. Can you repeat that? What did he indicate to you were your qualifications which led you to that particular position? What qualifications?

Mr. HUNT. The fact that I had an investigative background of some years and also, that I had been involved in political action operations.

Mr. DASH. Now, were you interviewed by anyone besides Mr. Colson?

Mr. HUNT. Yes.

Mr. DASH. Who was that?

Mr. HUNT. Mr. John D. Ehrlichman.

Mr. DASH. At whose directions, Mr. Hunt, did you work when you took this position? Under whose directions?

Mr. HUNT. Under Mr. Colson's direction.

Mr. DASH. Can you describe your initial assignment under Mr. Colson?

Mr. HUNT. Mr. Colson instructed me to become the White House resident expert on the origins of the Vietnam war. At the same time, I had a collateral responsibility for determining certain leaks of highly classified information which included the leaks of the Pentagon Papers.

Mr. DASH. Now, is it true, Mr. Hunt, that from the beginning of your employment, Mr. Colson asked you to collect what could be called derogatory information about Daniel Ellsberg?

Mr. HUNT. Yes.

Mr. DASH. What was to be done with this information when it was collected?

Mr. HUNT. My assumption was that it would be made available by Mr. Colson or someone in his confidence to selected members of the media.

Mr. DASH. Did you by the way, early in your employment, collect the list of certain media representatives who might be interested in such material?

Mr. HUNT. I did.

Mr. DASH. Now, following the assignment you received from Mr. Colson, how did you develop the information on Mr. Ellsberg?

Mr. HUNT. It was developed through intensive study of reports furnished by the Federal Bureau of Investigation.

Mr. DASH. Were there any other materials that you used?

Mr. HUNT. There were certain overt materials.

Mr. DASH. I didn't hear your answer.

Mr. HUNT. There were overt materials.

Mr. DASH. What do you mean by overt materials?

Mr. HUNT. Materials published in the press. To be more responsive, Mr. Dash, I have a feeling I have left something hanging here which I don't want to do.

The same unit, the special investigations unit that was receiving information on a frequent basis from the Federal Bureau of Investigation, was also receiving reports from other Government agencies such as the Department of Defense, the Department of State, National Security Agency, the Immigration and Naturalization Service, and so on. So that as part of my reply to your question, I would include those Government agencies as sources of information on Dr. Ellsberg.

Mr. DASH. Now, do you recall Mr. Colson asking you to interview Col. Lucien Conein?

Mr. HUNT. I do.

Mr. DASH. Who is Lucien Conein, or who was he at the time you interviewed him?

Mr. HUNT. At the time I interviewed Colonel Conein, he had just returned from the Army, I believe, and was in the process of retiring from the CIA, or had retired therefrom. He and I had trained together in the Office of Strategic Services for service in the Far East. In fact, we had shipped out to China together and worked in China together during World War II. I had seen him infrequently during the intervening years, but we had maintained a friendly relationship.

Mr. DASH. Do you recall when the initial interview with Colonel Conein took place?

Mr. HUNT. It was on or about July 8, 1971.

Mr. SACHS. Excuse me, Mr. Dash, could we confer for just a moment?

Mr. DASH. Yes.

Mr. SACHS. Mr. Chairman, is it possible that the photographers who are right here, just a few feet from us and clicking their cameras, could be asked to remove themselves to some more distant place so that there would be less distraction to Mr. Hunt? There are, as you can see, Your Honor, maybe a dozen people here who are doing their jobs, undoubtedly, but it is a little distracting.

Senator ERVIN. Mr. Hunt, do they distract you?

Mr. HUNT. They do, Mr. Chairman.

Senator ERVIN. I will have to ask the photographers to sort of get over to the side somewhere where they won't distract Mr. Hunt. [Laughter.]

As far as this committee is concerned, we have to receive Mr. Hunt's testimony.

Mr. HUNT. Thank you, Mr. Chairman, and I apologize to the photographers involved.

Mr. DASH. All right now, Mr. Hunt, are you ready to proceed?

Mr. HUNT. Yes, sir.

Mr. DASH. Will you just briefly describe what occurred. Did you initially interview Colonel Conein?

Mr. HUNT. I did.

Mr. DASH. Did you follow that interview by a telephone conversation with Colonel Conein?

Mr. HUNT. On the following day.

Mr. DASH. What were the circumstances that led you to make a telephone call after the interview?

Mr. HUNT. During my initial interview with Colonel Conein on July 8, it developed that a portion of the tape recording of that conversation was inaudible. Accordingly Mr. Colson suggested that I telephone him and attempt to reconstruct the inaudible portion of the telephone—of the recorded conversation of the prior day.

Mr. Colson, at the same time, was on another extension, introduced himself to Colonel Conein as "Fred Charles" and took a minor part in the conversation that ensued between Colonel Conein and myself.

Mr. DASH. Do you have any explanation as to why Mr.——

Mr. HUNT. Excuse me.

Mr. SACHS. Mr. Chairman, I am sorry.

Senator ERVIN. I am going to have to ask the photographers to get somewhere where Mr. Hunt cannot see them.

I am going to have to ask them to desist, I hate to do that but I want the witness not to have his attention distracted.

Mr. DASH. Can you explain to the committee, Mr. Hunt, why Mr. Colson wanted to be a part of that conversation and why he chose the pseudonym "Fred Charles."

Mr. HUNT. Well, you have asked me two questions, Mr. Dash.

Mr. DASH. I want you to answer the first one, why did he want to be a part of that conversation?

Mr. HUNT. He wanted to be a part of the conversation so that he could interpose himself to ask a specific question, whatever specific questions might occur to him as relevant to the subject of our conversation and our prior interview, and in effect to hear for himself at first-hand Colonel Conein's reply.

Mr. DASH. Why did he use the name Fred Charles?

Mr. HUNT. To avoid being connected in Colonel Conein's mind with the White House.

Mr. DASH. Do you know what the purpose of Mr. Colson's asking you to interview Colonel Conein was?

Mr. HUNT. Yes.

Mr. DASH. Could you explain that?

Mr. HUNT. I would have to go back a number of years and make it a matter of record that Colonel Conein had worked for the CIA in Vietnam, I would say almost uninterruptedly since 1954. Colonel Conein had a high degree of intimacy with some senior officials of the several governments that had held power in South Vietnam. He was also a military officer, he spoke French, he spoke Vietnamese to some extent, he was intimately familiar, too, and I believe this gets to the crux of your question, with the events leading up to the coup that resulted ultimately in the deaths of Premier Diem and also brother-in-law.

Mr. DASH. Was the interview supposed to be directed toward that coup and the underlying causes of that coup?

Mr. HUNT. It was.

Mr. DASH. Which led to the assassination of Premier Diem.

Mr. HUNT. It was.

Mr. DASH. Do you have, Mr. Hunt, a copy, a transcript of that telephone conversation, I think which the committee has provided you during the executive session?

Mr. HUNT. I do.

Mr. DASH. Now, would it be also fair to say that one of the purposes of the conversation was to get information from Colonel Conein which might be derogatory against Dr. Ellsberg?

Mr. HUNT. One of the purposes; yes, sir.

Mr. DASH. Would you turn to page 4. Do you see that in the third paragraph from the top of page 4 referring to H, which I take it to be yours, Mr. Hunt, you say, after a reference to a Mr. Vann, that I am getting very curious about that guy and what his connections with Ellsberg would have been, and then at the bottom of page 4 you have FC and I take it that is Fred Charles; is that correct?

Mr. HUNT. Yes, sir.

Mr. DASH. And that was Mr. Colson?

Mr. HUNT. Yes, sir.

Mr. DASH. And also question——

Mr. HUNT. For the record it was Mr. Colson who recorded the telephone call, not myself.

Mr. DASH. Yes, your statement for the record is that the call was recorded by Mr. Colson.

Mr. HUNT. Yes, sir.

Mr. DASH. And Fred Charles, being Mr. Colson, states: "Do you think that Ellsberg or Vann had any connections with the drug trafficking?" Would it be fair to say there was at least a query being made in an attempt to connect Mr. Ellsberg with drug trafficking?

Mr. HUNT. Yes, sir.

Mr. DASH. Will you turn to page 6, where the transcript indicates that you were asking questions of Colonel Conein concerning certain State Department cables. Could you instruct the committee as to what the purpose of your request of Colonel Conein was leading to?

Mr. HUNT. I would never attempt to instruct the committee, Mr. Dash, I would attempt to inform.

Mr. DASH. Would you assist the committee, inform them?

Mr. HUNT. Yes, sir. Mr. Colson and I were jointly interested in the circumstances that led up to the assassination of the President and, I believe, the premier of South Vietnam. We felt that somewhere there should be an instructive record of exchanges between Washington and Saigon. We knew also that there were several channels that could have been utilized.

In addition to the normal State Department communications with its Embassy, there was the normal CIA communication channel with its station in Saigon. There were also so-called back channel communications facilities for both organizations, there were communication cable facilities——

Mr. DASH. Mr. Hunt, what I really was directing your attention to, and perhaps this question might make it clearer: Was there an effort on the part of your questioning of Colonel Conein to attempt to get some indication from him as to whether or not the Kennedy administration was related in any way to the coup?

Senator GURNEY. Mr. Chairman, may I inquire what this line of questioning has to do with the Presidential campaign of 1972? It is very interesting but I don't think it lies within the purview of the committee.

Mr. DASH. Senator Gurney, I think the following questions will indicate the line of questioning which——

Senator GURNEY. Will counsel simply state to the committee what he has in mind?

Mr. DASH. Yes.

I think Mr. Hunt will answer a few questions that will follow the questions that I am now asking, which will show an effort by Mr. Colson to try to discredit the Kennedy administration and therefore the Democratic Party during the election and relating it to the assassination of Premier Diem and for that purpose attempting to bring the Catholic vote away from the Democratic Party, and to show that a Democratic President had a role in the assassination of a Catholic premier.

Senator GURNEY. I thought this had to do with national security leaks that occurred way back in July 1971, this conversation. I can't see how that can possibly relate to the Presidential campaign of 1972.

Mr. DASH. Well, the effort, and I think Mr. Hunt has already responded to a question put by me to him that the purpose was to get derogatory information and leak it to the press during the Presidential campaign and I think if I am allowed to follow up with some questions I can show the connection.

Senator BAKER. Mr. Chairman.

Senator ERVIN. Yes.

Senator BAKER. Mr. Chairman, much of the information being covered by Mr. Dash and the point made by Mr. Gurney are involved in I believe the legal concept of whether or not the questions themselves should state a conclusion or whether they should elicit facts from which the committee may draw conclusions. In order to get the thing in some sort of order, I would suggest if there is no objection, and I ask unanimous consent that the transcript of the telephone conversation in its entirety may be entered in the record at this time.

Mr. DASH. I intended to do that.

Senator BAKER. Is there any objection?

Senator ERVIN. Let the record show that the transcript of the entire telephone conversation is hereby made part of the record and marked appropriately as an exhibit.

[The document referred to was marked exhibit No. 149.\*]

Senator BAKER. Mr. Chairman, rather than pursue the matter any further might I simply suggest that the counsel to the committee attempt to establish the factual situation and, if need be, state and thereby inform the committee what those questions are intended to serve without trying to build a statement of conclusion on the basis of each question. That after all is the factfinding mission of the committee. I don't want to hornswoggle us by making strict rules of evidence but I do think we will get along faster if we could establish the facts and deal with the conclusions a little later.

\*See p. 3881.

Mr. DASH. Mr. Chairman, I think my questions and the answers to the questions will establish the facts and will be quite relevant to the resolution under which this committee is operating, and I will go to another question which will clarify that.

Senator BAKER. Mr. Chairman, before we go on does counsel understand what I was saying?

Mr. DASH. Yes, I do.

Senator BAKER. Does counsel agree with it?

Mr. DASH. Well, I would like to ask a line of questions, Senator Baker, that will demonstrate the facts and the conclusions that the committee can draw, but I will not draw the conclusions. The committee will draw the conclusions.

Senator BAKER. Do I understand, then, that counsel agrees with me, that the conclusionary part of this thing is a function of the committee?

Mr. DASH. Oh, yes. My statement concerning conclusions was in response to a question put by Senator Gurney as to what the relevance of the question was to the resolution and, therefore, it was necessary for me to state the inference that was to be drawn from the questions, that it is relevant to our resolution. Otherwise, I could not have responded to Senator Gurney's question.

Senator BAKER. Mr. Chairman, I make the request of counsel that we proceed as promptly as possible, stating the reasons for the questions which were asked without trying to establish a basis for a conclusion on each question. Counsel is free to accept that recommendation by the vice chairman or reject it, but I place it before counsel for consideration.

Senator GURNEY. Mr. Chairman, may I also make this observation? Actually, all this material we are talking about here and questioning about we have had before the committee in one form or another. These are amplifications of that. But I really think what we ought to do to get along with committee business is to get to something new and not to rehash something old. This is not really a trial. We are not seeking to corroborate testimony or evidence we have heard before. What we are trying to do is to get at some new facts. I would just suggest that following Mr. Baker's suggestion, possibly, we could get this by a very short explanation of the counsel, plus putting it in the record, and then get on to new business.

Mr. DASH. Mr. Chairman—

Senator ERVIN. Just a moment. The evidence we have taken thus far indicates that Mr. Hunt had much to do with the matters the committee is investigating. I think perhaps we would make a little bit more speed if we just questioned the witness.

Senator BAKER. Before you proceed, Mr. Dash, Mr. Chairman, I agree with you and I hope very much that we will simply question the witness and not try to build statements of conclusion as we go along. I fully intend to draw inferences and state conclusions of my own, but that will come on or about February 28. But I hope we can sharpen up questions to elicit facts without developing hypotheses as we proceed.

Mr. DASH. That is my intention, Senator Baker, and that is what I have been trying to do.

At this early time of your employment at the White House, Mr. Hunt, did you have access to State Department cables covering the period of the Diem assassination?

Mr. HUNT. I did.

Mr. DASH. Why did you have access to them?

Mr. HUNT. Because I had requested such access and it had been granted me.

Mr. DASH. Now, in the review of these cables, did you notice any irregularity of sequence?

Mr. HUNT. I did.

Mr. DASH. In what period did the gap in sequence occur?

Mr. HUNT. The period immediately leading up to the assassination of the Premier of South Vietnam.

Mr. DASH. Did you show the cables to Mr. Colson and offer an interpretation of them?

Mr. HUNT. I showed him copies of those chronological cables, yes, sir.

Mr. DASH. And what interpretation, if any, did you give him concerning the cables?

Mr. HUNT. I told him that the construction I placed upon the absence of certain cables was that they had been abstracted from the files maintained by the Department of State in chronological fashion and that while there was every reason to believe, on the basis of an accumulated evidence of the cable documentation, that the Kennedy administration was implicitly, if not explicitly, responsible for the assassination of Diem and his brother-in-law, that there was no hard evidence such as a cable emanating from the White House or a reply coming from Saigon, the Saigon Embassy.

Mr. DASH. What was Mr. Colson's reaction to your statement and the showing of the cable to him? Did he agree that the cables were sufficient evidence to show any relationship between the Kennedy administration and the assassination of Diem?

Mr. HUNT. He did.

Mr. DASH. Did he ask you to do anything?

Mr. HUNT. He suggested that I might be able to improve upon the record. To create, to fabricate cables that could substitute for the missing chronological cables.

Mr. DASH. Did you in fact fabricate cables for the purpose of indicating the relationship of the Kennedy administration and the assassination of Diem?

Mr. HUNT. I did.

Mr. DASH. Did you show these fabricated cables to Mr. Colson?

Mr. HUNT. I did.

Mr. DASH. What was his response to the fabricated cables?

Mr. HUNT. He indicated to me that he would be probably getting in touch with a member of the media, of the press, to whom he would show the cables.

Mr. DASH. And were you in fact put in touch with a member of the media?

Mr. HUNT. I was.

Mr. DASH. Who was that?

Mr. HUNT. Mr. William Lambert of Life magazine.



Mr. DASH. What was your instruction concerning the relationship you were to have with Mr. Lambert?

Mr. HUNT. To show Mr. Lambert the context of the other legitimate cables that I acquired from the Department of State, to permit Mr. Lambert to hand-copy the texts of the fabricated cables, but I having warned Mr. Colson previously that the cables were not technically capable of withstanding professional scrutiny, that Mr. Lambert was not to be allowed to remove the cables for photocopying purposes.

Mr. DASH. Did Mr. Lambert use the information?

Mr. HUNT. Not to my knowledge, no.

Mr. DASH. Now, are you aware from your conversation with Mr. Colson and the use of these cables of any strategy that Mr. Colson had with regard to Catholic voters?

Mr. HUNT. Yes, sir.

Mr. DASH. Could you describe that more fully?

Mr. HUNT. I believe it was desired by Mr. Colson, or at least some of his colleagues, to demonstrate that a Catholic U.S. administration had in fact conspired in the assassination of a Catholic chief of state of another country.

Mr. DASH. Did you show the fabricated cables to Colonel Conein?

Mr. HUNT. I did.

Mr. DASH. Under what circumstances?

Mr. HUNT. Prior to Colonel Conein's appearance on a—I believe NBC-TV network special concerning Vietnam.

Mr. DASH. And did Colonel Conein use any of this information from the fabricated cables in his program?

Mr. HUNT. I would have to answer in these terms, Mr. Dash, that I had shown him the fabricated cables in the broader context of the overall cables, that he was then interrogated by a camera and interview crew and that I believe he made, if not specific reference to the cables I showed him, at least they reinforced his own belief that there had been direct complicity by the Kennedy administration in the events leading up to the assassination of the South Vietnamese Premier.

Mr. DASH. Now, as part of Mr. Colson's plan to publicly discredit Mr. Ellsberg, did you prepare a derogatory article on Mr. Leonard Boudin, Ellsberg's lawyer?

Mr. HUNT. I did.

Mr. DASH. Did you show this to Mr. Colson?

Mr. HUNT. I did.

Mr. DASH. What was his suggestion when you showed it to him?

Mr. HUNT. He indicated that he would be passing the information to a member of the press, the article that I had prepared.

Mr. DASH. And, in fact, was the material that appeared in that article reflected in any news story that you were aware of?

Mr. HUNT. Yes.

Mr. DASH. Can you state to the committee what particular news story?

Mr. HUNT. It was an article authored by Mr. Jerry terHorst, who represented one of the Detroit newspapers in Washington. It formed the second half of a story that Mr. terHorst was publishing on Ellsberg and Ellsberg's defense.

Mr. DASH. Did you subsequently in a memorandum to Mr. Colson suggest the manner in which additional derogatory information might be developed on Ellsberg and how a file might be constructed to destroy his public image and credibility?

Mr. HUNT. Yes.

Mr. DASH. Do you have a copy that the committee provided you in executive session of a memorandum from you to Mr. Colson dated July 28, 1971, entitled "Neutralization of Mr. Ellsberg?"

Mr. HUNT. I do.

Mr. DASH. Now, you will notice in that memorandum, Mr. Hunt, that one item, I think No. 7, there is a reference to obtaining Ellsberg's files from a psychiatrist-analyst. Do you see that reference as one of the items?

Mr. HUNT. I do.

Mr. DASH. Did you at the time you made that recommendation contemplate that it might be necessary to engage in a covert entry or break-in?

Mr. HUNT. I did.

Mr. DASH. Also, there is a reference that a psychological assessment from the CIA be requested of Mr. Ellsberg. Is that correct?

Mr. HUNT. Yes, sir.

Mr. DASH. What was the purpose of the psychological assessment, Mr. Hunt?

Mr. HUNT. One of the problems the administration was having with the Ellsberg indictment—I believe I am probably being presumptuous in using so large a frame of reference—was that nobody really could comprehend why Ellsberg had done what he did, which was to take possession of and publicize documents with the highest classification and sensitivity.

We knew that some had been made available to the Soviet Union by one means or another. Mr. Ellsberg's personally stated justification for having performed these acts was not comprehensible to any of us in the White House who were charged with determining his motivation and the manner of the leaks. I believe that it was my initial recommendation that we attempt to probe or plumb Dr. Ellsberg's mind by means of a covert psychological assessment. We had no idea what type of an animal we were dealing with.

Mr. DASH. Would it also be true, Mr. Hunt, that the information that might be obtained from either the profile or psychiatric materials from his analyst might be used to discredit Mr. Ellsberg?

Mr. HUNT. Might be used, yes, sir.

Mr. DASH. And if received, would that also be presented to the press media?

Mr. HUNT. I would have to qualify my reply, Mr. Dash, by saying that it would depend upon the nature of the items discovered.

Mr. DASH. Now, do you know whether or not your recommendation or your memorandum on the neutralization of Mr. Ellsberg was implemented?

Mr. HUNT. In terms of each item, sir?

Mr. DASH. Yes, in terms of some of these items.

Mr. HUNT. Well, I know that all overt press material on Ellsberg continued to be collected. A request was levied on the CIA for a covert

psychological assessment on Dr. Ellsberg. I believe that the CIA, the FBI, and perhaps the Counter-Intelligence Corps were requested to provide the Plumbers group with their full holdings on Ellsberg. And in due course, we did enter the office of Dr. Fielding, who had been Dr. Ellsberg's psychiatrist, to determine if there were any psychiatric notes.

Mr. DASH. Now, Mr. Chairman, this particular memorandum, July 28, 1971, from Mr. Hunt to Mr. Colson, the subject, "Neutralization of Ellsberg," I would like to have identified for the record and admitted in evidence.

Senator ERVIN. It will be appropriately marked as an exhibit and received in evidence as such.

[The document referred to was marked exhibit No. 150.\*]

Mr. DASH. Now, I think you testified in your statement, you have indicated that you did indeed engage in a break-in. Was it subsequently determined that an attempt should be made to obtain Dr. Ellsberg's medical files from the psychiatrist's office?

Mr. HUNT. Yes, sir.

Mr. DASH. You have a memorandum which the committee provided you, dated August 27, 1971, from Mr. Ehrlichman to Charles Colson, with the subject "Hunt-Liddy Special Project No. 1"?

Mr. HUNT. I have such a memorandum.

Mr. DASH. That is dated August 27. I think this was previously put in the record by the committee, attached during Mr. Ehrlichman's testimony. I have just been informed that it is exhibit No. 91 in the committee record.

Do you have a copy of that memorandum?

Mr. HUNT. I beg your pardon.

Mr. DASH. Do you have a copy of that memorandum?

Mr. HUNT. Yes, sir, I do.

Mr. DASH. Let me just read the memorandum; it is brief. This is from Mr. Ehrlichman to Mr. Colson:

On the assumption that the proposed undertaking by Hunt and Liddy would be carried out and would be successful, I would appreciate receiving from you by next Wednesday a game plan as to how and when you believe the materials should be used.

This is referring to Hunt-Liddy special project No. 1.

Mr. Hunt, what, from your understanding, on the date of August 27, 1971, would Hunt and Liddy's special project No. 1 be?

Mr. HUNT. I would assume it to be the Fielding entry, based on the fact that Mr. Liddy and I, as of that date, would just have returned from our initial reconnaissance of Dr. Fielding's professional premises in Beverly Hills, we would have submitted a feasibility study.

Mr. DASH. And that the reference there for Hunt and Liddy special project No. 1 would refer to the proposed covert entry of Dr. Fielding's office for the psychiatric file?

Mr. HUNT. Yes.

Mr. DASH. Now, in fact, you and Mr. Liddy did go to Los Angeles to determine whether a covert entry was feasible and you did determine that it was; did you not?

Mr. HUNT. Yes.

\*See p. 3886.

Mr. DASH. And in fact you and Mr. Liddy and three Cuban-American characters, Mr. Barker, Mr. Martinez, and Mr. De Diego did break into Dr. Fielding's office over the Labor Day weekend in 1971; is that true?

Mr. HUNT. One limitation, that neither Mr. Liddy nor I were ever on the premises of Dr. Fielding.

Mr. DASH. And there were no files of Dr. Ellsberg found, is that true?

Mr. HUNT. No, sir.

Mr. DASH. You recruited Mr. Barker, Mr. Martinez, and Mr. De Diego; is that true?

Mr. HUNT. Yes, sir. Well, more specifically, I obtained Mr. Barker's cooperation and he obtained the cooperation of Messrs. Martinez and De Diego.

Mr. DASH. What was your prior relationship with Mr. Barker?

Mr. HUNT. Mr. Barker had assisted me during the CIA's sponsored effort which came to be known as the Bay of Pigs operation.

Mr. DASH. Did you take photos of the inside of Dr. Fielding's office to show the forced open files?

Mr. HUNT. No, sir.

Mr. DASH. Did somebody in the group take photos?

Mr. HUNT. Yes, sir.

Mr. DASH. To whom were these photos shown?

Mr. HUNT. They were shown within room 16 to Messrs. Krogh and Young.

Mr. DASH. When you say room 16. Mr. Krogh and Mr. Young—by the time this program developed which led up to the covert entry of Dr. Fielding's office, you had begun to work with Mr. Krogh, Mr. Young, and Mr. Liddy; was that not so?

Mr. HUNT. Yes, sir.

Mr. DASH. How did that occur? You originally, I think, testified that you were assigned to work for Mr. Colson. How did the transfer of relationship in assignment take place?

Mr. HUNT. Through a process resembling osmosis almost. I had discovered early in my reading of the overt materials relating to the publication of the Pentagon Papers, my researches into Dr. Ellsberg's background that considerably more documentation would be necessary for my purposes. I so advised or informed Mr. Colson and he told me that these materials, that is to say classified materials, bearing on my researches were to be found in room 16 and I should check with Mr. Liddy for that purpose. I found the holdings that were in room 16 were quite extensive, and I began as a matter of course and custom to go there every day to acquaint myself with additional information as it flowed into room 16 from the various Government agencies that were making contributions. So it was that I spent less and less time in office 338 which had been assigned to me by Mr. Colson and a great deal more time in room 16 which became known as the Plumbers unit, the special investigations unit.

Mr. DASH. And by the time you had filed your memorandum on neutralization of Mr. Ellsberg, you were then working with the so-called Plumbers?

Mr. HUNT. Almost entirely; yes, sir.

Mr. DASH. Did you attempt to show the photographs that were taken during the Fielding break-in to Mr. Colson?

Mr. HUNT. I did.

Mr. DASH. And what occurred when you did?

Mr. HUNT. I told Mr. Colson I would like to try to put a date on this, Mr. Dash.

Mr. DASH. Do you have a date for that?

Mr. HUNT. I do.

On Labor Day weekend, 1971, that is to say the 3d of September, the entry in Dr. Fielding's office was accomplished. The following Tuesday, that is to say the first working day after Labor Day, was the morning on which I attempted to show Mr. Colson the Polaroid photographs that had been taken by team members of the violated cabinets in Dr. Fielding's premises.

Mr. DASH. How did he react to your attempting to show him the photographs?

Mr. HUNT. He declined to look at what I had in my hand, continued to stride into his office without breaking his pace and said "I don't want to hear anything about it."

Mr. DASH. Were you assigned by Mr. Colson to interview a Mr. Clifton De Motte of Providence—being told by Mr. Colson or anybody else that Mr. De Motte allegedly had derogatory information on the Kennedy family?

Mr. HUNT. Yes.

Mr. DASH. When was this, approximately?

Mr. HUNT. I would say approximately July 1971.

Mr. DASH. Is it true that you undertook to have this interview with Mr. De Motte disguised?

Mr. HUNT. Yes, sir.

Mr. DASH. How did you obtain the materials for the disguise?

Mr. HUNT. Through the CIA.

Mr. DASH. And could you just very briefly tell the committee how you were able to obtain materials from the CIA that would permit you to disguise yourself?

Mr. HUNT. Shortly after my employment began at the White House, I reported to Mr. Colson that I had been given credible information to the effect that a Mr. Clifton De Motte was believed to have information reflecting unfavorably on certain members of the Kennedy political grouping. This having been based on the experience of an individual named "Clifton De Motte" who had been an unofficial part of the Kennedy entourage during the, I believe, 1960 election. Mr. Colson felt that the lead ought to be followed up and asked me whether I could undertake to elicit information from him during an interview with the proviso that my connection with the White House not be revealed.

I said that this would require my having some sort of alias or false documentation and perhaps even physical disguise.

Mr. Colson asked me whether or not I could provide it. I said I could not and I in turn asked him whether or not such disguise—documentation might be available through either the Secret Service or the FBI representatives at the White House. Mr. Colson indicated that the matter was too sensitive to involve either the Secret Service or the FBI and he inquired whether perhaps on the man to man, a personal basis,

I might not be able to acquire documentation and disguise equipment from former associates at the CIA.

I told him that this was out of the question. Mr. Colson then postulated the thought or the question rather of what would be required to obtain the cooperation of CIA. I said that it had been my past experience that a call from the White House brought almost instant response from the CIA. Mr. Colson said to me, "Very well, I will look into it and get back to you."

Mr. DASH. All right.

Then when was—how were you informed, and in what way were you notified that you could then go make contact with the CIA for the disguise?

Mr. HUNT. The precise details at this point—

Mr. DASH. If you could just briefly tell us that.

Mr. HUNT [continuing]. Are not entirely clear. The crux of the matter is that I did receive at one point a call from a Mr. Carl Wagner who was the principal personal assistant to Gen. Robert Cushman of the Marine Corps who was then the Deputy Director of the CIA setting up an appointment for me with General Cushman at CIA headquarters.

Mr. DASH. And did you obtain disguise materials?

Mr. HUNT. I did.

Mr. DASH. And so disguised, you did interview Mr. De Motte?

Mr. HUNT. Yes, sir.

Mr. DASH. What was the outcome of that interview, Mr. Hunt?

Mr. HUNT. It was determined by both Mr. Colson and myself that the information was useless.

Mr. DASH. In the latter part of 1971, Mr. Hunt, did you become aware of the fact that Mr. Liddy was to become counsel for the Committee for the Re-Election of the President?

Mr. HUNT. I did.

Mr. DASH. Did Mr. Liddy recruit you to help him develop large-scale covert political intelligence plans for the Committee To Re-Elect the President?

Mr. HUNT. Yes.

Mr. DASH. When was this plan—

Mr. SACHS. Excuse me, Mr. Dash.

Mr. HUNT [conferring with counsel]. Mr. Dash, could I trouble you to repeat the question having to do with recruitment?

Mr. DASH. What, which question, the previous?

Mr. SACHS. The question that he just answered before the last question, he would like repeated, please.

Mr. DASH. Perhaps the reporter can repeat the question.

[The reporter read the question.]

Mr. HUNT. I would like to modify my response, if I might, Mr. Dash.

Mr. DASH. Yes.

Mr. HUNT. In late November 1971, Mr. Liddy approached me saying that the Attorney General of the United States, Mr. John Mitchell, required the establishment of a large-scale intelligence and counter-intelligence program. That he, Mr. Liddy, was about to become its chief, and Mr. Liddy would like to assure himself of my cooperation.

Mr. DASH. Was this the plan that came later to be known as Gemstone?

Mr. HUNT. Yes, sir.

Mr. DASH. Who did you understand from the conversation with Mr. Liddy were actually directing the development of this political intelligence plan?

Mr. HUNT. My understanding was as follows: that the plan had been proposed and or required by the Attorney General of the United States, Mr. Mitchell. That Messrs. John W. Dean III, the then counsel for the President of the United States, and Mr. Jeb Stuart Magruder a recent White House aide, were those who were active in its formulation.

Mr. DASH. Now, did you, in fact, help Mr. Liddy prepare the detailed plan and budget of the plan?

Mr. HUNT. I did with the exception of that portion of the plan which dealt with electronic surveillance.

Mr. DASH. Mr. Hunt, the committee has already had ample testimony concerning presentation of this particular plan to former Attorney General Mitchell, Mr. Dean, and Mr. Magruder by Mr. Liddy on January 27, 1972 and February 4, 1972.

Now, prior to that January 27 presentation, did you have a discussion with Mr. Colson concerning that you would be giving fewer hours to the White House work because of the time that you had to spend with Mr. Liddy?

Mr. HUNT. I told Mr. Colson that because of the increased amount of time I was spending with Mr. Liddy that I would be able to give far less time to Mr. Colson than I had done in the past.

Mr. DASH. What, if anything, did Mr. Colson say to you about that?

Mr. HUNT. He said that he understood this.

Mr. DASH. Did he indicate by words or statement that he understood the plan that you were working with Mr. Liddy on?

Mr. HUNT. Yes.

Mr. DASH. Could you give us a little fuller explanation?

Mr. HUNT. On one occasion, and it must have been in conjunction with this particular interview, Mr. Colson told me that he had, in fact, supplied Mr. Mitchell with my bona fides. He further indicated that he was aware of the overall intelligence plan and his only problem with it was that he would much prefer me—see me heading it rather than Mr. Liddy.

I told him that the situation was fine as far as I was concerned, that I had cooperated with Mr. Liddy before, we got along well. I had already a full-time job with a public relations firm and was not seeking full-time employment such as Mr. Liddy had.

Mr. DASH. Is it true that this conversation took place in January prior to the January 27 meeting with former Attorney General Mitchell?

Mr. HUNT. Whose meeting?

Mr. DASH. Your meeting with Mr. Colson, when did this take place?

Mr. HUNT. Yes, but who met with Mr. Mitchell?

Mr. DASH. No, I say did this meeting you had with Mr. Colson take place in January prior to the January 27 presentation by Mr. Liddy of the plan to Attorney General Mitchell?

Mr. HUNT. To the best of my recollection, it did.

Mr. DASH. Do you know where the conversation with Mr. Colson took place?

Mr. HUNT. Between myself and Mr. Colson?

Mr. DASH. Yes.

Mr. HUNT. In Mr. Colson's office.

Mr. DASH. Now, did you tell Mr. Colson at that time that you planned to recruit and use members of the same Cuban-American community that had worked with you in the Ellsberg break-in?

Mr. HUNT. Either on that or another occasion, Mr. Dash.

Mr. DASH. Mr. Colson was aware, was he not, of the role you and Mr. Liddy played in the break-in of Dr. Fielding's office?

Mr. HUNT. I was not so aware at the time. I have come to understand that subsequently.

Mr. DASH. At the time that Mr. Colson was indicating to you that he was aware of an intelligence plan that Mr. Liddy was working on, was there any other intelligence plan besides the Gemstone plan that Mr. Liddy was working on?

Mr. HUNT. No.

Mr. DASH. Was it your impression, therefore, that Mr. Colson was speaking of the so-called Gemstone plan?

Mr. HUNT. Yes.

Mr. DASH. Mr. Hunt, Mr. Colson has submitted to this committee an affidavit. Do you have a copy of that? I think the committee has given you a copy.

The affidavit is signed by you dated April 5, 1973, and I think it is brief enough to read. It is:

I, E. Howard Hunt, having been duly sworn do hereby depose and state as follows:

1. I understand that allegations and statements have been made to the effect that Charles Colson, former Counsel to the President, had prior knowledge or in some way was involved in, or participated in, the break-in at the Democratic National Committee Headquarters at the Watergate Hotel on June 17, 1972.

2. I never at any time discussed with Mr. Colson any plans with respect to this incident.

3. I have no knowledge whatever, personal or otherwise, that Mr. Colson had any prior knowledge whatever of this incident. To my knowledge, no one else ever discussed this matter with him prior to June 17, 1972.

Did you sign this affidavit?

Mr. HUNT. I did.

Mr. DASH. What were the circumstances which led you to sign this affidavit?

Mr. HUNT. This affidavit was passed to me in the Federal courthouse by my attorney, my then-attorney, Mr. William O. Bittman prior to an appearance of mine before the Federal grand jury. To the best of my recollection Mr. Bittman indicated to me that he had received the affidavit in draft form from Mr. Colson's office, and wondered if there would be any problem on my part about signing it. I indicated that I had no difficulty with it whatever, and did, in fact, sign the affidavit.

Mr. DASH. All right, now, Mr. Hunt, does this affidavit that you signed negate the testimony that you have just given, that Mr. Colson did inform you in January 1972 that he was aware of what had come to be known as the Gemstone plan?

Mr. HUNT. Does it negate it?



Mr. DASH. Does it negate it?

Mr. HUNT. No, sir.

Mr. DASH. Can you explain why it does not?

Mr. HUNT. Because the information that Mr. Colson possessed in January, that I possessed in January, referred only to an overall intelligence program. It had nothing to do with a specific break-in at the Democratic national headquarters.

Mr. DASH. And this particular affidavit deals only about Mr. Colson's knowledge of the specific break-in of the Watergate?

Mr. HUNT. Yes, sir.

Mr. DASH. Mr. Chairman, I would like to enter or have the affidavit identified as an exhibit of the committee and admitted in evidence.

Senator ERVIN. The affidavit will be appropriately numbered and received in evidence as an exhibit.

[The affidavit referred to was marked exhibit No. 151.\*]

Mr. DASH. Now, Mr. Hunt, is it not true that you only recently told the staff of this committee in executive session, specifically within the last week or two, of the fact of Mr. Colson's knowledge of the so-called Gemstone plan in January 1972?

Mr. HUNT. May I consult with counsel?

[Conferring with counsel.]

Mr. HUNT. Mr. Dash, I would appreciate having the stenographer read the question back.

[The reporter read the question.]

Mr. HUNT. In the interest of accuracy, Mr. Dash, let me say or repeat the testimony I have given in the executive session to the effect that on an occasion when I introduced Mr. Liddy and Mr. Colson for the first time, following that particular meeting, Mr. Liddy said to me, as we left Mr. Colson's office, "I believe we may have done us some good," which was indicative to me that they had been discussing the Gemstone plan. However, only recently—and I have said that from the beginning of the interrogations—I have, within recent weeks, let us say, added to my testimony to state, in effect, to enable me to provide a positive response to the question you have just posed me.

Mr. DASH. Is it not true, Mr. Hunt, that on May 14, 1973, on page 323 of the transcript, that in specific questions that I put to you whether or not any other person than the persons who had been involved in the discussion with Mr. Liddy, and you named persons such as Mr. Mitchell, Mr. Dean, Mr. Magruder, knew about the overall intelligence plan? Let me just quote your statement on page 323 and my question:

During that time, did you ever indicate in the presence of Mr. McCord that these plans would have, that you were in touch with other persons yourself in the White House, Mr. Colson or anybody else concerning these plans?

Mr. HUNT. No, sir. I would not have done that, because it was true to the best of my knowledge that Mr. Colson had no specific knowledge. He had no knowledge of my dealings with Mr. Liddy from me. Now, if Mr. Colson had collateral knowledge or awareness, he did not confide in me.

What I am asking, Mr. Hunt, is: Is it not true that on May 14, 1973, your statement was that Mr. Colson did not to your knowledge have any awareness of an overall intelligence plan?

\*See p. 3887.

Mr. SACHS. Excuse me, Mr. Chairman. I detect a little bit of confusion. If I could just have 1 minute to talk to Mr. Hunt, I think it might expedite this.

Senator ERVIN. Certainly.

Mr. SACHS. Mr. Dash, if the committee will—I think I have a notion, Mr. Dash, as to the line of questioning you are about to pursue in order to refresh Mr. Hunt's recollection as to the testimony he recently gave in executive session. It was clear to me before you undertook this last question that he did not quite clearly understand what you were driving at and he and I have now discussed that briefly. I think perhaps if you will ask your first question, or perhaps I could ask it, he could quickly answer it and we can go on to something else.

I think what you are asking him is whether in the past few weeks, he had added to his explanation of his conversations with Mr. Colson the fact that in January of 1972 there was a conversation between him and Mr. Colson which indicated that Mr. Colson had knowledge of the Gemstone program.

Mr. DASH. Yes.

Mr. SACHS. I think he can answer that quickly.

Mr. DASH. Well, the question that I put to you is: Is not this the first time that you have told the committee that?

Mr. HUNT. Yes, sir.

Mr. DASH. Prior to telling the committee that, have you informed any other investigative body, including the grand jury that is presently sitting, about that information?

Mr. HUNT. No, sir.

Mr. DASH. Can you explain to the committee, Mr. Hunt, what appears to be contradictory testimony in the executive session and now before this committee as to Mr. Colson's prior knowledge of this general plan?

Mr. HUNT. I can attempt to, Mr. Dash.

Mr. DASH. Would you please do that?

Mr. HUNT. Yes. It derived as a result of repeated questioning by the committee staff concerning events which transpired on the occasion of my having introduced Mr. Liddy and Mr. Colson for the first time. A theory of Mr. Colson's perceptions of the meetings was entered into and developed, which brought back to my mind for the first time the prior conversation that I had held in January with Mr. Colson.

Mr. SACHS. Mr. Dash, may I ask that the recording clear that there is no contradiction between Mr. Hunt's testimony on this point today as against his testimony in the executive session? I think that might have been inferred from your question.

Mr. DASH. I think the record is clear on that. I again made it very clear that Mr. Hunt is testifying today consistently with what he has told the committee in executive session in the last week or two. I was pointing out in the interest of fairness that Mr. Hunt had not given us this testimony on earlier occasions and Mr. Hunt has just given us an explanation of why he had not.

I would like to follow that up, Mr. Hunt, and ask you whether or not your motion that is now pending in the court for the removal of your plea of guilty, or the withdrawal of your plea of guilty, in which you indicated in the motion that you believed that Mr. Colson approved

the overall plan, has any relevance to your recent testimony before the executive session or before this committee?

Mr. SACHS. I am a little troubled, Mr. Dash, by your use of the word "relevance."

Mr. DASH. Why?

Mr. SACHS. You might want to ask me that.

Mr. DASH. I will put the question more directly, Mr. Hunt.

Are you now giving us your best recollection of what truthfully transpired in January as opposed to what you were telling us earlier during the period of interrogation?

Mr. HUNT. Yes.

Senator BAKER. Mr. Chairman, I am not clear. I got lost about 10 minutes ago.

Is the burden of the query that Mr. Hunt is now giving us information for the first time and only recently gave it to us in executive session as distinguished from his earlier appearances in executive session by reason of or connected with the fact that he is attempting to change his plea from guilty to not guilty?

Mr. DASH. Yes.

Senator BAKER. Is there any implication in counsel's question that the two are not inconsistent, but rather that this is additional information that may have bearing on the application of Mr. Hunt to change his plea?

Mr. DASH. The last question I put to Mr. Hunt, and perhaps he can answer it is: Is there any motivation on your part to give us this more recent testimony concerning Mr. Colson's awareness of the plan connected in any way to your motion to withdraw your plea of guilty?

Mr. HUNT. No, sir; and if I may consult with counsel, there is another point I would like to make pertinent to this.

I would like to add, Mr. Dash, that my legal position vis-a-vis the motion does not depend upon Mr. Colson's knowledge or nonknowledge at that time.

Mr. DASH. All right. Now, Mr. Hunt, after the February 4 meeting that Mr. Liddy had with the former Attorney General in which there was another turndown on the so-called Liddy plan, did Mr. Liddy ask you to introduce him to Mr. Colson?

Mr. HUNT. He did.

Mr. DASH. What reasons did he give you for this?

Mr. HUNT. He indicated to me that, first of all, he admired Chuck Colson as a man who got things done. He expressed his own desire for a substantial position in the forthcoming administration. He indicated to me that inasmuch as John Mitchell would be leaving the administration and he, Liddy, was known and identified as a Mitchell man, that Mr. Liddy would like to touch base with Mr. Colson, who would be staying on in the administration at least through the election, and so have another power base, as it were, on which he could depend at such time as—

Mr. DASH. Did you arrange such a meeting?

Mr. HUNT. I did.

Mr. DASH. And do you know when that, approximately, took place?

Mr. HUNT. No, sir.

Mr. DASH. But do you recall it was in the month of February?

Mr. HUNT. May I consult my notes, Mr. Dash?

I would relate it to the phone call concerning which Mr. Magruder has already given testimony.

Mr. DASH. All right, now, did you introduce Mr. Liddy to Mr. Colson?

Mr. HUNT. I did.

Mr. DASH. After you did, what did you do?

Mr. HUNT. I withdrew to the back of the room and sat, smoked my pipe, leafed through a magazine while Mr. Liddy conversed with Mr. Colson.

Mr. DASH. Why did you withdraw to the back of the room?

Mr. HUNT. Mr. Liddy having given me the preamble, the reasons for his desire to meet Mr. Colson. I felt that it was a personal matter and did not want to involve myself or interpose myself in any way.

Mr. DASH. How long did the meeting take place?

Mr. HUNT. Approximately 10 or 12 minutes.

Mr. DASH. Did you observe Mr. Colson use the telephone during that meeting?

Mr. HUNT. On several occasions.

Mr. DASH. After the meeting, did you have a conversation with Mr. Liddy?

Mr. HUNT. I did.

Mr. DASH. What did Mr. Liddy tell you?

Mr. HUNT. He said, "I think I may have done us some good."

Mr. DASH. At that time what was your interpretation of that message?

Mr. HUNT. I realized that he had been speaking with Mr. Colson about the Gemstone operation.

Mr. DASH. Why did you draw that interpretation from the statement, "I think I have done us some good"?

Mr. HUNT. Because that was the only common subject concerning which he could have done us any good.

Mr. DASH. All right.

Now, the committee has already heard testimony from Mr. Magruder that while you were in Mr. Colson's office Mr. Colson telephoned Mr. Magruder and urged him, "to get off the stick and get the budget approved for Mr. Liddy's plans."

Now, what plans of Mr. Liddy could Mr. Colson have been referring to at that time?

Mr. HUNT. It could only have been the Gemstone concept.

Mr. DASH. Why do you say that?

Mr. HUNT. That was the only one that was under consideration.

Mr. DASH. During part of this period, Mr. Hunt, when you were working for Mr. Liddy between December 1971 and March 1972, did you receive any other assignments from Mr. Liddy for political espionage against Democratic candidates for the Presidency? Specifically did you have a dealing with a person known to you as Fat Jack?

Mr. HUNT. Yes, sir.

Mr. DASH. Could you describe how these dealings took place and what the assignment was?

Mr. HUNT. There came a time when Mr. Liddy asked me as an accommodation to meet with a gentleman who was handling an agent inside Muskie headquarters. He described the gentleman's physical

appearance. We arranged a meeting point in front of the Roger Smith Hotel and I gather that Mr. Liddy also described my appearance to the other gentleman so that at the appointed time we had no difficulty in recognizing each other.

Mr. DASH. What was the purpose of these meetings?

Mr. HUNT. So that I could pick up material that derived from Muskie headquarters from this penetration agent.

Mr. DASH. What kind of materials were these?

Mr. HUNT. They were in photographic form.

Mr. DASH. Could you describe the nature of the photographs?

Mr. HUNT. On only one occasion did I have—did I look into the envelope, I saw that there were advance schedules, perhaps some policy statements, material of medium value, I would say.

Mr. DASH. Was the person you knew as Fat Jack paid for this work?

Mr. HUNT. I have no way of knowing.

Mr. DASH. Did you at any time in any envelope that you delivered see any money?

Mr. HUNT. Yes.

Mr. DASH. Was that given to him?

Mr. HUNT. It was.

My understanding, to amplify that point, Mr. Dash—

Mr. DASH. Yes.

Mr. HUNT [continuing]. Was that the money was to go to pay for the photographic services that had been rendered to Fat Jack.

Mr. DASH. Did you know who he was in touch with?

Mr. HUNT. No.

Mr. DASH. Did you have any knowledge at that time or to this date of the real identity of the person you knew as Fat Jack?

Mr. HUNT. No.

Mr. DASH. Did you yourself recruit a person to infiltrate the campaign of a Democratic Presidential candidate?

Mr. HUNT. I did.

Mr. DASH. Could you tell us who and in what campaign?

Mr. HUNT. His name was Thomas Gregory. He was a student whom I recruited to pose as a volunteer to work inside Muskie headquarters.

Mr. DASH. What was his assignment?

Mr. HUNT. His assignment was to acquire for us policy papers, working papers, advance schedules of the Muskie party, lists of contributions of contributors, bank statements, that sort of thing that would normally flow out of political campaign headquarters.

Mr. DASH. Did there come a time when you transferred Mr. Gregory to the McGovern campaign?

Mr. HUNT. There did.

Mr. DASH. What was his assignment there?

Mr. HUNT. It was the same with one addition.

Mr. DASH. What was the addition?

Mr. HUNT. The addition was to prepare for an electronic surveillance or electronic penetration of McGovern headquarters.

Mr. DASH. How was he to prepare for that?

Mr. HUNT. He prepared for it initially by providing me with a floor diagram of McGovern's office building. I introduced Mr. Gregory and Mr. McCord who in April met for the first time. Mr. McCord then

told Mr. Gregory what would be required to satisfy his own particular technical interests. Mr. Gregory took Mr. McCord through the McGovern headquarters. They continued as it were, doing business between themselves in connection with the electronic surveillance attempt.

Mr. DASH. Was there, in effect, an attempt to break into the McGovern headquarters?

Mr. HUNT. There was an attempt to enter it, yes, sir.

Mr. DASH. What happened?

Mr. HUNT. It was unsuccessful.

Mr. DASH. Now, was this activity part of the overall Gemstone plan?

Mr. HUNT. Yes.

Mr. DASH. During this same period and prior to the Watergate break-in, Mr. Hunt, did you and Mr. Liddy work on a political espionage plan involving a target in Las Vegas?

Mr. HUNT. Apart from Gemstone?

Mr. DASH. Yes.

Mr. HUNT. Yes.

Mr. DASH. What was the target and how did you learn about it?

Mr. HUNT. Excuse me. [Conferring with counsel.] I take it, Mr. Dash, you have no objection to my reciting this chronologically.

Mr. DASH. I have no objection to responding to my question the best way you can.

Mr. HUNT. Yes, sir.

There came a time when my employer, Mr. Robert Bennett, informed me that he had heard a rumor around Las Vegas to the effect that a publisher named Hank Greenspun had information which would "blow Muskie out of the water" in case Muskie became a candidate.

I reported by very brief memo this information to Mr. Liddy. Mr. Liddy responded enthusiastically seeing in it initially an opportunity for us to travel at company expense as it were, to Las Vegas and have an enjoyable time.

Very shortly after his initial reaction Mr. Liddy informed me that he, in effect, had been able to confirm the rumor or at least that he had heard from another source this rumor, and that there was a disposition on the part of his principals to pursue it.

I reported this matter back to Mr. Bennett and within a short period of time Mr. Bennett introduced me to a Mr. Ralph Winte who was then the head of security for either the Hughes Tool Co. or one of its many subsidiaries.

At our initial discussion Mr. Bennett, Mr. Winte, and I discussed Las Vegas, the Nevada political situation, the litigation then in progress between Robert Maheu and Mr. Hughes, the position politically speaking vis-a-vis Mr. Greenspun and Mr. Hughes, the allegation that Mr. Greenspun or others had bribed or bought certain judges in Nevada and so on.

This came to—this discussion reached the point where Mr. Bennett suggested that there was a commonality of interest between the Hughes Tool Co. and Mr. Liddy and myself.

Mr. Winte and I withdrew to my office where he indicated that he was disposed to cooperate with me in the matter. I had no prior experience in Las Vegas, and he said he would attempt to produce a floor

diagram of the Greenspun office, and I asked him whether his firm, with its multitudinous interests in Las Vegas, could provide us with support facilities such as hotel rooms, automobiles, and so forth. He indicated that there would be no problem.

Mr. DASH. Now, in other words, what you are saying is that your conversation with Mr. Winte indicated that the Hughes Tool Co. also was interested in gaining information that may be in the possession of Mr. Greenspun that was related to their lawsuits that were pending, is that true?

Mr. HUNT. Yes, sir.

Mr. DASH. And that you were asking for assistance from them with regard to their resources out in Las Vegas?

Mr. HUNT. Yes, sir.

Mr. DASH. Did that include an airplane or an escape plane should that be necessary?

Mr. HUNT. That came later, Mr. Dash.

Mr. DASH. I am just trying to abbreviate your response.

Mr. HUNT. The answer is "Yes"; it did.

Mr. DASH. Did you go out to Los Angeles and further communicate with Mr. Winte?

Mr. HUNT. I did.

Mr. DASH. Was that for the purpose of determining whether or not you could agree on a plan to make an entry and locate a safe in the Greenspun office?

Mr. HUNT. I would have to answer in this form, Mr. Dash, that there came a time approximately 2 weeks later following my first meeting with Mr. Winte that Mr. Liddy and I had other reasons to go to the west coast, and I informed Mr. Winte that we would be at the Beverly Wilshire Hotel on a particular date. At that time Mr. Winte joined us and I introduced him to Mr. Liddy I believe under a pseudonym for the first time.

During the course of that conversation the question of an aircraft was aired for the first time.

Mr. DASH. Was it part of the plan—should it follow through and should there be a safe, that there would be an entry and that the contents of the safe would be emptied and that a different place you would divvy up what belonged to Hughes and what belonged to your interest?

Mr. HUNT. Yes, sir.

Mr. DASH. What happened to that plan? Was it fruitful?

Mr. HUNT. Mr. Winte had indicated to me and to Mr. Liddy also that he could provide the on-the-ground support facilities which would be required for an entry operation if such an entry operation were devised, but that with regard to the aircraft, he would have to refer to his superiors for authorization. It so happened that the following, the meeting among Mr. Winte, Mr. Liddy, and myself, the Muskie candidacy was rapidly losing impetus, and no one was particularly interested in the information that Mr. Greenspun might have possessed if, in fact he ever did, concerning Mr. Muskie.

Mr. DASH. So the plan was dropped?

Mr. HUNT. The plan was dropped and either Mr. Bennett or Mr. Winte told me at a later date that in any event the availability of the aircraft had been declined.

Mr. DASH. All right now, Mr. Hunt, with regard to the Democrat Convention in Miami, did you give any assignments to Mr. Barker?

Mr. HUNT. I did.

Mr. DASH. And what, if any, assignment did you give Mr. Barker?

Mr. HUNT. We are speaking now only of the Democratic Convention.

Mr. DASH. Democratic.

Mr. HUNT. Mr. Barker's principal assignment was to develop a network of informants along the Miami Beach hotel complex who could report to us concerning campaign developments, convention developments, policies of individual Democratic candidates.

Mr. DASH. Did he also have an assignment to procure a houseboat as a base for electronic surveillance?

Mr. HUNT. Yes.

Mr. DASH. And did he also have an assignment to recruit some persons who might be disreputable looking young men, hippies, to pose as McGovern supporters?

Mr. HUNT. Yes.

Mr. DASH. What were they supposed to do?

Mr. HUNT. They were supposed to demonstrate in front of the Doral Hotel some evening and behave outrageously to bring discredit upon the bulk of the useful McGovern supporters.

Mr. DASH. Now, Mr. Hunt, I think you, in fact, did participate in the break-in of the Democratic National Committee headquarters at the Watergate on or about May 27, 1972, is that not true?

Mr. HUNT. I do not know if the word "participate" embraces it—

Mr. DASH. You did not make an entry yourself?

Mr. HUNT. No, sir. I participated in it.

Mr. DASH. And is it not true that you recruited Mr. Barker to bring up the team of Cuban-Americans to assist in this plan?

Mr. HUNT. Yes, sir.

Mr. DASH. And is it true that it was his job to engage in photographing Democratic Party documents?

Mr. HUNT. Yes, sir.

Mr. DASH. Now, it is true, is it not, that you also participated in the second break-in, using the "participating" as you indicated before that you definitely did not break in the Democratic National Committee headquarters on June 18, 1972?

Mr. HUNT. Yes, sir.

Mr. DASH. Where were you situated when the entry team was arrested?

Mr. HUNT. In room 214 of the Watergate Hotel, which is another building.

Mr. DASH. What did you do immediately after you were made aware that an arrest had taken place?

Mr. HUNT. I closed up Mr. McCord's briefcase, which contained electronic equipment, and with Mr. Liddy, we left the premises. I drove to the White House, where I inserted the briefcase belonging to Mr. McCord, into my two-drawer safe. I went—I believe I called Mr. Douglas Caddy's apartment, he being an attorney.

Mr. DASH. Who is Mr. Caddy?

Mr. HUNT. Mr. Douglas Caddy, an attorney and a former employee of the Mullen Co., and asked him if he could receive me at that early hour of the morning.



Mr. DASH. Did you take any money out of the safe?

Mr. HUNT. Yes, sir, I did.

Mr. DASH. How much?

Mr. HUNT. I took out \$10,000.

Mr. DASH. Where did you get that money?

Mr. HUNT. That was contingency money that had been provided me by Mr. Liddy.

Mr. DASH. Contingency just in case there was this kind of trouble?

Mr. HUNT. Yes, sir; in case there was a mishap.

Mr. DASH. What did you do with that money?

Mr. HUNT. I took it during the course of the early morning to Mr. Caddy's apartment and gave it to him on behalf of the five men who had been arrested.

Mr. DASH. Did you make an analysis or review of the contents of your safe at that time or a later time?

Mr. HUNT. No, sir; not at that time.

Mr. DASH. When did you, if you did?

Mr. HUNT. Excuse me.

Mr. DASH. Mr. Hunt, this might help you. Do you recall returning to your office at the EOB and looking through the contents of your safe?

Mr. HUNT. Yes, sir.

Mr. DASH. And do you recall that that was on or about June 19, 1972?

Mr. HUNT. Yes, sir.

Mr. DASH. Just very briefly, can you describe the contents of your safe at that time, what you had in there?

Mr. HUNT. Well, there was a great deal of material, Mr. Dash.

Mr. DASH. Just by category.

Mr. HUNT. There were the fabricated Vietnamese cables that I had shown to Mr. Colson, Mr. Conein, and Mr. Lambert. There was material relating to Gemstone; there were transcripts of my conversations with Mr. Clifton De Motte, for example. There was a very substantial amount of material, part of which was shown me at the time of discovery by the U.S. attorney—perhaps I am not being responsive.

Mr. DASH. Yes, you are being responsive. Did it also include the briefcase which included Mr. McCord's electronic equipment?

Mr. HUNT. Oh, yes; that was there.

Mr. DASH. Now, did you inform anyone on that day of the contents of your safe?

Mr. HUNT. I did.

Mr. DASH. Who was that?

Mr. HUNT. Mr. Colson's secretary.

Mr. DASH. What is her name?

Mr. HUNT. Her name was Mrs. Joan Hall.

Mr. DASH. Did you characterize or say anything about the contents?

Mr. HUNT. Yes, sir; I did.

Mr. DASH. What did you say?

Mr. HUNT. Before I left the White House for the last time, I stopped by Mr. Colson's office, not to see him but simply to inform Mrs. Hall, whom I knew held the combination to my safe, that it contained sensitive material. I simply said to her, "I just want you to know that that safe is loaded."

Mr. DASH. Now, did you hear from Mr. Liddy during this period of time?

Mr. HUNT. What period of time?

Mr. DASH. Shortly after, around June 19 or around that time?

Mr. HUNT. Yes, sir, I did.

Mr. DASH. What, if anything, did he tell you?

Mr. HUNT. Toward midday on the 19th, I got a telephone call from him at my Mullen Co. office saying that he needed urgently to meet me. We met at the corner of the USIA building, which I believe is at 17th and Pennsylvania Ave. We met, walked around the block. During the course of the conversation, he told me that it was necessary for me to get out of town, that "they" wanted me to get out of town.

Mr. DASH. Did he indicate who "they" were?

Mr. HUNT. Not at that time.

Mr. DASH. Then, was it a fact that that particular order was rescinded?

Mr. HUNT. He told me that it was.

Mr. DASH. Now, in fact, you did leave Washington, did you not?

Mr. HUNT. I did.

Mr. DASH. And did you ultimately go to California?

Mr. HUNT. I did.

Mr. DASH. At that time, did you make arrangements to obtain Counsel?

Mr. HUNT. I obtained local counsel in California, but not Washington counsel.

Mr. DASH. Well, in California, who did you meet, what California counsel?

Mr. HUNT. I was staying at the home of an attorney, an old friend named Morton B. Jackson. Mr. Liddy appeared out there unannounced on June 21. I reiterated my request to him that he or somebody obtain counsel for me in the Washington area. Mr. Liddy gave me \$1,000 and said, this will help with Jackson.

I thereupon gave the \$1,000 in cash to Mr. Jackson, retaining him as my counsel on the west coast.

Mr. DASH. And did Mr. Jackson refer you to any Washington lawyer?

Mr. HUNT. In due course, he did.

Mr. DASH. Yes, and what lawyer was that?

Mr. HUNT. He referred me some time later to two attorneys, neither of whom were known to, I believe, either Mr. Jackson or myself. Simply through an alphabetical process, I decided to retain, to inquire of Mr. Bittman whether or not he would be interested in representing me.

Mr. DASH. And did you retain Mr. William Bittman?

Mr. HUNT. I did.

Mr. DASH. And when did you first meet Mr. Bittman in Washington?

Mr. HUNT. On the night of July 3.

Mr. DASH. What was your understanding, Mr. Hunt, concerning legal fees and support of your family that you would receive? What general understanding did you have?

Mr. HUNT. At the time Mr. Liddy appeared at the home of Mr. Jackson on June 21, I raised the question with him, as I had with

several other people since I had left Washington, concerning counsel, and furthermore, how counsel fees, living expenses, and so forth, are going to be taken care of. Mr. Liddy said, don't worry about that, it's all going to be taken care of just like the company, or the Agency. To me, that meant in the traditional CIA or clandestine services fashion. He then produced \$1,000, which was pretty hard evidence that there was money available for this sort of thing.

Mr. DASH. All right, now, later——

Mr. HUNT. Might I just continue with my thought?

Mr. DASH. Yes.

Mr. HUNT. I said to him, by now the paralysis that gripped the White House, the CREP, in the wake of the arrest must have ebbed to some extent. Please tell me, who is the action officer now?

And he said, it is Mardian, or at least it was as of the time I left this morning.

And I found that encouraging news.

Mr. DASH. Now, when you returned to Washington and retained Mr. Bittman, did there come a time when Mrs. Hunt, your wife, had a contact with Mr. O'Brien, Paul O'Brien, at the Committee To Re-Elect the President?

Mr. HUNT. I believe she had that contact with Mr. O'Brien before I returned to the east coast.

Mr. DASH. And what was the purpose of that contact?

Mr. HUNT. To continue to seek counsel and to make sure that the arrested men and those of us who were still out would be taken care of in customary fashion.

Mr. DASH. To your knowledge, was she assured by Mr. O'Brien that support money for counsel and for the family would be forthcoming?

Mr. HUNT. I do not believe that she received that sort of assurance from Mr. O'Brien. As I recall her relating the incident to me, Mr. O'Brien was horrified by the revelations, but said he would look into them.

Mr. DASH. When you say horrified by the revelations, what revelations?

Mr. HUNT. The revelations that my wife had given him.

Mr. DASH. Do you know what revelations your wife had given Mr. O'Brien?

Mr. HUNT. I understand, and again, this is only hearsay from my late wife, she had told him that we had been acting on behalf of the Attorney General of the United States and the Counsel to the President of the United States, that we had been apprehended, men were in jail, that bond money, bail money, counsel fees, all that sort of thing, were needed and needed immediately. My understanding is that this all was news to Mr. O'Brien at that time. He did say, however, that he would look into the matter immediately.

Mr. DASH. Now, there did come a time, did there not, after the retainment of Bittman, that you received a call or Mrs. Hunt received a call from Mr. Rivers?

Mr. HUNT. Yes.

Mr. DASH. And what did Mr. Rivers have to say, to your knowledge?

Mr. HUNT. My late wife reported to me that—and we are skipping now over the authentication of Mr. Rivers. In any event, when Mrs.

Hunt responded to the gentleman whose operational alias we knew as Rivers and knew him to be an appropriate person for her to deal with—

Mr. DASH. You say that we are skipping over authentication?

Mr. HUNT. We are skipping over his authentication.

Mr. DASH. Yes. Was a call first made by Mr. Rivers to Mr. Bittman?

Mr. HUNT. Yes.

Mr. DASH. What was Mr. Bittman's reaction to that call?

Mr. HUNT. He rejected it, declined to speak to Mr. Rivers.

Mr. DASH. Then, what did he do thereafter?

Mr. HUNT. Within a day or so, he had occasion to be in conference with Mr. Paul O'Brien and possibly Mr. Parkinson and mentioned this call as a curious matter. I believe at that point, he was assured that Mr. Rivers was an appropriate person for Mrs. Hunt to be in touch with.

Mr. DASH. Then again, is that when Mr. Bittman called you or Mrs. Hunt?

Mr. HUNT. Yes.

Mr. DASH. And what arrangements were made at that time?

Mr. HUNT. That Mrs. Hunt—excuse me.

Mr. SACHS. Do you mean arrangements with regard to further contact with Mr. Rivers?

Mr. DASH. Yes.

Mr. HUNT. That by means of the usage of public telephones, Mrs. Hunt and Mr. Rivers would speak with each other, which in fact, they did.

Mr. DASH. Were you aware that payments were in fact made by Mr. Rivers to Mrs. Hunt?

Mr. HUNT. Yes.

Mr. DASH. I think that the record will show that we have already had testimony as to the identity of Mr. Rivers as Mr. Tony Ulasewicz.

Did you know, by the way, at the time that Mr. Rivers was Mr. Tony Ulasewicz?

Mr. HUNT. No, sir.

Mr. DASH. Did you have occasion to see a series of accounts, or a couple of accounts that Mrs. Hunt made to Mr. Bittman concerning payments she received from Mr. Rivers?

Mr. HUNT. Only recently.

Mr. DASH. Was that by this committee?

Mr. HUNT. Yes, sir.

I would like to say I have been shown them by—I have been shown copies by the committee. I have been shown what purported to be originals by Mr. Bittman, who I believe was submitting them to the grand jury.

Mr. DASH. And did they indicate to you that payments were made covering Mr. McCord, Mr. Barker, and the other persons who had been arrested?

Mr. HUNT. Yes.

Mr. DASH. Did there come a time, Mr. Hunt, when you went to your attorney, Mr. Bittman, to tell him that you wanted to plead guilty?

Mr. HUNT. Yes.

Mr. DASH. What was the occasion for that?

Mr. HUNT. I had made up my mind, following my—in fact, during my return flight from Chicago after the death of my wife—that was on December 10. My wife was killed in a plane crash at Midway Airport on December 8.

Mr. DASH. And in fact you did enter a plea of guilty?

Mr. HUNT. I did.

Mr. DASH. After your wife's death did you receive a call from Mr. Bittman concerning funds that he had for you?

Mr. HUNT. I did.

Mr. DASH. Did you receive those funds?

Mr. HUNT. I did.

Mr. DASH. Do you recall how much that was?

Mr. HUNT. On the first occasion?

Mr. DASH. Yes.

Mr. HUNT. Or do you want the seriatim?

Mr. DASH. Do you have them in seriatim and perhaps we can expedite them by just giving us a very brief statement of the funds that you did receive through Mr. Bittman.

Mr. HUNT [conferring with counsel]. On July 3, 1972, I retained Mr. Bittman with a \$1,000 cash payment. Some days later Mr. Bittman reported to me in a letter and also verbally that he had received the sum of \$25,000 as further retainer. He indicated the money had come to him anonymously and it had been delivered to his office, that it was to be used in my behalf and considered as a retainer.

Later on, perhaps in the month of October, I have no date for this, I was informed by Mr. Bittman that an envelope had been delivered to his office for me. I opened the envelope in his presence and counted out \$20,000 which I turned over to him.

Early in January or late December of 1972—no, January of 1973 or late December of 1972, Mr. Bittman telephoned me to inform me that he had received an envelope at his house. He told me that this had been left in his mailbox. Previous telephonic instructions were to the effect that it was an envelope for me. I received the envelope unopened from his hands, took it to my home and found that it contained \$15,000. I gave \$12,000 of those funds to Dr. Manuel Artimo to assist in the defense funds of the four men from Miami, that having been my prior understanding from the conversation with my wife that a committee was being formed in Miami for the defense of the four Miami men, and then I subtracted \$3,000 which she had told me she had placed at the disposition of other defendants from our own funds and therefore or thereby reimbursed myself to the extent of \$3,000. The rest went to Miami.

Mr. DASH. Mr. Hunt, I think it might expedite matters if you could provide the committee with a record of those payments, and let me just ask you if you have the total figure that you paid Mr. Bittman by way of fees that you received through these means.

Mr. HUNT. That I received how, sir?

Mr. DASH. That you received through the support money that was coming in either through Mr. Rivers or through any other source.

Mr. SACHS. I am not sure I understand it.

Mr. DASH. I am asking for the total amount of money that you paid Mr. Bittman in legal fees.

Mr. SACHS. That Mr. Bittman was paid.

Mr. DASH. Yes, or that Mr. Bittman was paid.

Mr. HUNT. \$156,000.

Mr. DASH. Would you submit to us a statement of the details that you were giving us a moment ago? I think it would help us expedite the questioning.

Mr. SACHS. We will be glad to.\*

Mr. DASH. Yes.

Now, did you ever call Mr. Colson to complain about the problems of the payment of fees?

Mr. HUNT. I did.

Mr. DASH. Do you recall when you made that call?

Mr. HUNT. On November 24 last.

Mr. DASH. Now, do you have a copy of the transcript that Mr. Colson made of the telephone call?

Mr. HUNT. I do.

Mr. DASH. During that call what, in effect, were you telling Mr. Colson, why did you make that call?

Mr. HUNT. I made the call, Mr. Dash because my wife had indicated to me because she had been placed in a very false and difficult position vis-a-vis the Cubans and the other people who were or had become her "clients," she was unwilling to continue in the role that she had agreed to accept at the urging of Mr. Rivers, that is to say to be the go-between.

She felt also that perhaps because she was a woman, her words, her urgings, her representations were receiving insufficient weight or were not being seriously enough received by whoever the sponsors were, and it was in that spirit that she asked me to communicate with Mr. Colson, which I did.

Mr. DASH. All right.

Now, on page 3 of that transcript, did you say the following:

All right, now we've set a deadline now for close of business on the 25th of November—

And I take it it is a deadline to receive funds—

for the resolution on the liquidation of everything that is outstanding. And this—they're now talking about promises from July and August. It just has been an apparent unconcern. Of course, we can understand some hesitancy prior to the election, but there doesn't seem to be any of that now. Of course, we are well aware of the upcoming problems of the Senate.

Did you make that statement during that call? Does this transcript, by the way, reflect, to your recollection the conversation you had with Mr. Colson? You will recall we showed you that transcript during the executive session.

Mr. HUNT. I do, Mr. Dash.

Mr. DASH. You have had a chance to read it?

Mr. HUNT. Yes, sir.

Mr. DASH. What is your answer to my question whether that statement was made as it appears in the transcript?

Mr. HUNT [conferring with counsel]. I have no specific recollection of making the statement, Mr. Dash. However, inasmuch as it appears in a transcript I accept it in good faith and will say under those circumstances that I made the statement.

\*Not received at time of publication.

Mr. DASH. Now, let me just make one further reference on page 5 if you will look at the top where you say—

Well, that is fine for we are protecting the guys who are really responsible, but now that that's—and of course that is a continuing requirement, but at the same time, this is a two-way street and as I said before, we think that now is the time when a move should be made and surely the cheapest commodity available is money.

Do you see that statement?

Mr. HUNT. Yes, sir.

Mr. DASH. Would you adopt that as something you would have said during that conversation?

Mr. HUNT. Yes, sir.

Senator BAKER. Mr. Chairman, just 1 minute. I am not sure I understand. The question is that one you would have said or did say—

Mr. DASH. He did say in the transcript.

Mr. HUNT. I will accept that as a statement that I made.

Mr. DASH. Now, after you stopped receiving funds from various supporting sources did Mr. Bittman ask for more funds from you?

Mr. HUNT. Mr. Bittman informed me of the current state of my deficit balance with him, yes.

Mr. DASH. Mr. Chairman, I would like to have this conversation with Howard Hunt of late November 1972, which was recorded by Mr. Colson, identified as an exhibit and entered in evidence.

Senator ERVIN. It will be received in evidence as an exhibit and appropriately numbered as such.

[The document referred to was marked exhibit No. 152.\*]

Senator BAKER. Mr. Chairman, could I ask a question about it just very briefly. Mr. Hunt, were you aware that this conversation was being recorded?

Mr. HUNT. No, sir.

Senator BAKER. Did you—how did you come to know of its existence?

Mr. HUNT. I can't recall whether I learned about it through the grand jurors or through this committee.

Senator BAKER. Could I ask counsel how we received it?

Mr. DASH. We received this from Mr. Colson.

Senator BAKER. From Mr. Colson?

Mr. DASH. Yes, from Mr. Colson.

Senator BAKER. Thank you.

Mr. HUNT. I might say that I feel, in retrospect, I was set up on this one.

Senator BAKER. I am sorry, I didn't hear you.

Mr. HUNT. That I was set up, as it were. I had requested an opportunity to speak with Mr. Colson and the message I got back was that if I would call him from a phone booth at a particular time, on a particular day, he would speak with me. Obviously, he had his recording equipment running at that time.

Senator BAKER. Do you have any reason to suspect that any part of the transcript is not correct?

Mr. HUNT. No, sir.

Senator BAKER. Thank you.

\*See p. 3888.

Mr. DASH. But it is true, in following up on your statement, that you may have been set up, having had a chance to read this transcript, is it not true that throughout the transcript Mr. Colson repeatedly says to you, you wish to give him any facts, he doesn't want to hear anything about the facts, not to tell him anything?

Mr. HUNT. Yes, sir.

Mr. DASH. And that goes through the entire transcript?

Mr. HUNT. It certainly does.

Mr. DASH. I think I asked you, did Mr. Bittman ask you for any additional funds after the support money had stopped? I don't know whether you had answered it.

Mr. HUNT. I thought I had replied to that question, Mr. Dash.

Mr. DASH. I didn't hear your answer.

Mr. HUNT. Mr. Bittman kept me informed from time to time with the state of my deficit balance with his firm. I did not interpret that as a demand for funds but rather he was keeping me informed of how much money was owed. At that juncture I was not considering debts owed to Hogan and Hartson as being personal debts of mine although I came later to accept them in that spirit. I felt they should be paid by the people or groups who had sponsored the Gemstone program. And I encouraged Mr. Bittman to turn to others for the payment of his fees rather than myself.

Mr. DASH. Now there came a time wherein Mr. Bittman was required to withdraw as your counsel, did there not?

Mr. HUNT. Yes.

Mr. DASH. And you retained—

Mr. SACHS. Excuse me just a minute.

Mr. HUNT [conferring with counsel]. Mr. Dash, I don't know that I can say of my own knowledge that he was required to withdraw as my counsel.

Mr. DASH. I meant required by his own action. He did withdraw as your counsel, did he not?

Mr. HUNT. He did.

Mr. DASH. That was not your action?

Mr. HUNT. No, sir.

Mr. DASH. You did not—this was his own volitional action?

Mr. HUNT. Yes, sir.

Mr. DASH. To your knowledge then, you have retained—is Mr. Sachs the counsel you retained immediately thereafter?

Mr. HUNT. Yes, sir.

Mr. DASH. Did there come a time, Mr. Hunt, when you wrote to Mr. Colson concerning the problems that you were having—you wrote a letter to him?

Mr. HUNT. Yes, sir.

Mr. DASH. What was the occasion of that letter?

Mr. HUNT. I believe the letter—

Mr. DASH. Do you have a copy of a letter dated December 31, 1972?

Mr. HUNT. December 31?

Mr. DASH. Yes.

Mr. HUNT. Yes, sir; I believe the letter is self-explanatory.

Mr. DASH. Yes, sir; and this letter followed the death of your wife?

Mr. HUNT. Yes, sir.



Mr. DASH. Was it a letter in which you were again asking for assistance from Mr. Colson?

Mr. HUNT [conferring with counsel]. In effect, yes, sir.

Mr. DASH. Now, did you get any response from Mr. Colson after writing that letter?

Mr. HUNT. Indirectly.

Mr. DASH. How indirectly, what kind of response, who contacted you?

Mr. HUNT. Through counsel.

Mr. DASH. What did he tell you?

Mr. HUNT. That Mr. Colson would be meeting with him on, I believe, the 3d or 4th of January.

Mr. DASH. Did Mr. Bittman and Mr. Colson meet?

Mr. HUNT. I understand that they did.

Mr. DASH. Did Mr. Bittman give you the results of that meeting?

Mr. HUNT. He did.

Mr. DASH. What, if anything, did Mr. Bittman tell you about the meeting he had with Mr. Colson?

Mr. HUNT. First of all, that Mr. Colson was a great and good friend of mine, that he so considered himself to be, and I was a fine patriotic fellow, and if worse came to worse he would take my children into his own home, that he was very sorry that I had ever become involved in this entire scheme. The other two matters—I ought to say parenthetically that I had asked Mr. Bittman—well, first of all, the rationale for meeting. To understand Mr. Colson's response I really should go back a little, Mr. Dash. I had asked Mr. Colson to receive Mr. Bittman for the following reasons: One, I wanted Mr. Colson to be very sure about the reasons for my plea of guilty, I wanted him to understand all of the circumstances of the fact which had weighed on me in making my plea or the plea I was about to make.

Second, there were two CIA matters which were unresolved and in which I felt White House intervention could be, to say the least, very useful.

Third, there was an active motion on the part of my counsel for the suppression of certain evidence obtained from my White House safe through the unauthorized drilling and seizure procedures that had been employed by Mr. Dean and company and I wanted all of these matters discussed with Mr. Colson at that time.

What Mr. Bittman reported back to me, I have already indicated to you. I got no information from him concerning Mr. Colson's assistance with the CIA matters which had to do with my annuity and the changes of survivorship benefits for my annuity, other than to say that Mr. Colson would always be delighted to help me to the extent that he could, whether as a private citizen or in the White House, but purely as a personal matter. The suppression motion I do not think was reported—was reported back to me until the following day, when, after Mr. Bittman and Mr. Colson had met a second time.

Mr. DASH. Did you ask Mr. Bittman to transmit any message to you about your plea-of-guilty decision, concerning the length of sentence you might obtain or any clemency or consideration that the Government might give you, if you pleaded guilty?

Mr. HUNT. No, sir.

Mr. DASH. Mr. Chairman, the letter of December 31, which precipitated the meeting between Mr. Bittman and Mr. Colson, I would like that identified as an exhibit and entered into evidence.

Senator ERVIN. The letter will be received in evidence as an exhibit and appropriately numbered as such.

[The letter referred to was marked exhibit No. 153.\*]

Mr. SACHS. Excuse me, Mr. Dash. May I ask when the committee plans to recess?

Senator ERVIN. At 12:30.

Senator WEICKER. Mr. Chairman, I would like to just pose a question to the witness, since he has been relating conversations between him and Mr. Bittman.

Do I understand that the witness is waiving the attorney-client privilege in this particular instance? I am a little bit confused. I want to make sure that I understand and the witness understands his—

Senator ERVIN. He read a statement in which he said he was waiving that.

Mr. SACHS. No, I am sorry, Mr. Chairman. There may be some confusion.

I am glad you asked that question, Senator.

The attorney-client privilege, as to Mr. Bittman and as to me, is not being waived.

Mr. DASH. Counsel, Mr. Sachs, and Mr. Hunt made that statement also, Senator Weicker, in executive session and agreed to answer certain questions concerning conversations with Mr. Bittman, reserving the right not to waive all of his relationship in terms of his attorney-client relationship.

Senator WEICKER. Well, I think it is important to point this out, because obviously, the chairman and myself are laboring under the same misapprehension that possibly there might be a waiver here. I am glad to have counsel state it.

Mr. SACHS. I think I should supplement what I have said by saying that, as the committee knows, Judge Sirica stated that his cooperation with this committee and with the grand juries would be waived by him in the ultimate sentence which he imposes. Under the force of that statement of Judge Sirica, we have advised Mr. Hunt to answer fully all the questions, but we believe that that does not constitute a waiver, as it would in more voluntary circumstances.

Senator ERVIN. I made the statement I had on the basis of this statement on page 5 of his prepared statement. He said: "In fact, I have answered all questions, even those which involve confidential communications between my attorneys and myself."

Mr. SACHS. Senator, you have corrected our statement. Our statement was ambiguous. We did not mean all attorneys. There were, the privilege has been waived, as I understand it, with Mr. Jackson and—excuse me.

Senator ERVIN. Mr. Sachs, would you like to have or would your client like to have a recess now instead of waiting?

Mr. SACHS. I do think, Senator, that my client would appreciate a respite. But just to finish that question, we were a little inaccurate in that statement. I am sorry. He has waived one privilege, that with Mr. Jackson.

\*See p. 3892.

Senator ERVIN. Well, I will ask you to indicate to the committee if any questions are asked on points that you think he has not waived his right, you will just state it?

Mr. SACHS. He is answering all questions, Senator, but he is stating that by doing that, he is not waiving his privileges.

Senator BAKER. Mr. Chairman, may I make sure I understand the situation in just one brief moment?

Attorney-client privilege is a personal privilege to the client and not the attorney, and it would apply to each question that is asked. If this witness chooses to exercise the privilege, he will claim that privilege before answering a specific question. Is that correct, sir? If there is any further concern of an attorney-client privilege, we will know it at the time that the question is asked?

Mr. SACHS. Yes, Senator, but I am afraid that to me, at least, your question reflects a little confusion.

He is not refusing to answer questions as to conversations between him and his counsel, which he normally would do if I were claiming the privilege. At the same time, he is not waiving the privilege.

Senator BAKER. I am not confused. I do not understand that, but I am not sure that that is a discernible distinction in the body of the law. Either you claim privilege or you do not claim privilege.

Mr. SACHS. Well, he is answering the questions. I think the issue as to whether his answers constitute a waiver may come up one day if an effort is made to question Mr. Bittman. But this witness is under Judge Sirica's admonition that if he does not answer the questions, he is going to be in trouble. So he is answering all questions. He is not claiming privilege as to his answers to questions, but he is not releasing Mr. Bittman.

Senator BAKER. At some point, Judge Sirica or some other judge will have to pass on the legal effect of those answers.

Mr. SACHS. That is my understanding.

Senator BAKER. But my question is to you for the purpose of this committee's deliberations, if we are confronted with an attorney-client privilege, we will be notified of it at the time of the question, I presume, by you or your client.

Mr. SACHS. I take that to mean that if there comes a point in these hearings when Mr. Hunt wants to refuse to answer a question by the committee on the ground of privilege, you would like to be notified.

Senator BAKER. That is correct.

Mr. SACHS. The answer to that is yes, you will be notified.

Senator BAKER. Thank you very much.

Senator ERVIN. The committee will stand in recess until 2 o'clock. [Whereupon, at 12:22 p.m., the hearing was recessed, to reconvene at 2 p.m., this same day.]

#### AFTERNOON SESSION, MONDAY, SEPTEMBER 24, 1973

Senator ERVIN. The committee will come to order.

You may proceed.

Mr. DASH. Mr. Sachs, did you want to amplify your remarks concerning the attorney-client privilege?

Mr. SACHS. Mr. Chairman, when we recessed shortly after noon I was under the impression that the question of Mr. Hunt's waiver-of-

privilege was absolutely clear but I am told by those with whom I am associated, that it was not absolutely clear, so I would very briefly like to try to make it clear.

Our position, Mr. Hunt's position, with regard to the privilege which existed between, and exists between him and Mr. Bittman is that Mr. Hunt under the pressure of Judge Sirica's admonition has answered and will continue to answer all questions regarding conversations between him and Mr. Bittman which because of the privilege he would not, in my opinion, have to answer. He is going to answer those questions. But, at the same time, our position is that by answering these questions he is not waiving the privilege insofar as any statements or testimony by Mr. Bittman might be concerned.

Now, this did come up, as we said, in the executive committee session, and I have during the recess found the page at which a more lengthy discussion appears, and it is page 452 of the September 20 session.

Senator ERVIN. Yes. Your position is very clear. Thank you very much.

Mr. SACHS. Thank you.

Senator BAKER. Mr. Chairman, I am terribly sorry to say it is not quite clear to me still.

Is this a fair restatement of your position then, that as far as the doctrine of attorney-client is concerned, to the extent that Mr. Hunt, for whatever reason, chooses to answer questions that otherwise might be protected by that doctrine, he has waived that doctrine as to himself and the answers he thinks he may make but he has not waived it so far as any other statement by Mr. Bittman might be concerned on other subject matter or on that subject matter beyond his statement?

Mr. SACHS. Senator Baker. I would prefer, if you would permit me, not to take the position at this time that by Mr. Hunt's answering questions he has waived the privilege as to himself. I would prefer to phrase it that he has answered the questions without taking the next step and stating as his position the legal conclusion that one might want to argue from that. I do not think the net effect is any different between us.

Senator BAKER. It is not important for the purposes of the committee to resolve that question. As I said earlier, I suppose if the issue ever arises that a court would have to decide that, we would not. But the point that keeps sticking in my mind and I want to be clear on is that we are not precluded from discussing these matters with Mr. Bittman, at least insofar as Mr. Hunt has alluded to.

Mr. SACHS. Well, our position is that you are precluded, that is what we are not waiving. We are not waiving Mr. Hunt's right to maintain the confidentiality of his communications with his lawyer insofar as that lawyer's testimony might be concerned. You may argue, Senator Baker, as you have suggested, or one may argue, that by answering questions as he has, by operation as Mr. Hunt has, by operation of law that privilege has been lost, we recognize that that point may be argued. We will take the opposite position, because he has not voluntarily answered the questions concerning his confidential communications with Mr. Bittman.

Now, I think, since we have gotten into it this far, I really then must make one other point which does appear in the executive committee record, and that is that our office has been in this case a very short time. We were retained sometime during the month of August, and since we were retained we have had other matters of urgency which have prevented us from devoting full time to this case. We have devoted, quite a number of people in our office have devoted, a great deal of time to the case but though we certainly under these circumstances, do not feel—are not as acquainted or are not as familiar with the terribly complicated factual situations that surround this case, not sufficiently acquainted with them to be able to advise Mr. Hunt intelligently as to what consequences, if any, might flow from his waiving that privilege. Therefore, our reasoning is, that if in that state of inadequate knowledge, we were to advise him to waive the privilege it really would not be competent advice and, therefore, feeling unable so to advise him we have on the contrary advised him not to waive it, and he is following our advice.

Senator BAKER. Mr. Chairman, I think I will conclude our colloquy on legal principles and doctrine here by simply saying that the underlying reason and rationale for pressing you on that point is to make it clear that as we proceed there may be other questions of Mr. Hunt vis-a-vis relationship to Mr. Bittman. There may be questions of Mr. Bittman. But I think the very best way to handle this now is to deal with each question, one at a time, and see how the doctrine might apply if at all.

Thank you, Mr. Chairman.

Senator WEICKER. Mr. Chairman.

Senator ERVIN. Senator Weicker.

Senator WEICKER. Speaking for myself, and the committee would have to make up its own mind to this particular opinion, I would not want this committee to engage in any activity which, in effect, would force your client, Mr. Sachs, to give up any of his civil liberties or his rights or his privileges, whether those are granted by law or by usage. I want to make that point clear.

Now, it is quite one thing for the committee to vote immunity, and handle the question and answer process within certain guidelines which have been well established by the law. It is quite something else to sit here and imply that the committee is being forced to do something that I don't think any committee or court or anyone else in this land has the right to do, which is to take an individual and, in effect, force him to give up his civil liberties or his rights or his privileges, as I say, whether those matters were granted by law or usage.

Mr. DASH. Mr. Chairman, I think the record should also show that when this issue came up in executive session that I made it very clear to counsel, just as Senator Weicker has mentioned, that this committee did not want counsel either to advise Mr. Hunt to waive client-attorney privilege or for Mr. Hunt to waive any right that he has solely because he is under a sentencing procedure which might call upon the committee to make that report to Judge Sirica and all we wanted was his own statement of the facts based on what he wished to give us, recognizing that there was a fact in history that he is under such a sentencing procedure. But I emphasized over and over again to Mr. Hunt that he

should not make any judgment with regard to this committee based on any concept of coercion but should make the decision voluntarily and based on the advice of his own counsel.

Mr. SACHS. Mr. Chairman, with your permission, I must—I would like to reply to what Senator Weicker and Mr. Dash have said. I don't think any useful purpose would be served at this time in trying to re-enact the many conversations or recount the many conversations which have taken place between members of the staff and counsel for Mr. Hunt, regardless of whether those conversations have included statements from which we might have been entitled to believe that if Mr. Hunt did not waive his privilege he would receive a bad report to Judge Sirica, regardless of the—of how this factual matter might be resolved.

The fact is, and I don't think anyone can dispute this, that at the moment that Mr. Hunt was sentenced by Judge Sirica for a period of more than 30 years, under a provision of the law which gives Judge Sirica the right to amend that sentence, to change the sentence after receiving reports from prison authorities, Judge Sirica in a lengthy statement included a very clear statement that he would weigh—that was the word he used—the cooperation that Mr. Hunt gave to grand juries and this committee in his final sentence.

Now, we think that we have no alternative but to read that as a warning that if Mr. Hunt does not answer all questions, and if he does not waive this privilege, Judge Sirica may say, "Well, you did not waive your privilege, you did not cooperate. Your sentence must be more severe."

Now, it is possible, of course, that Judge Sirica would not take that position. But there is very definitely a likelihood, if indeed not a probability, that he will based on what he has said.

So, whatever this committee does with regard to articulating the notion that Mr. Hunt should or should not waive his privilege, Mr. Hunt is testifying, and has been, under that threat.

Senator ERVIN. Also Mr. Hunt is testifying in a sense involuntarily because he is testifying, pursuant to an order of immunity, under a statute which says the testimony he gives before this committee cannot be used against him elsewhere and if that statute means what it apparently says, his testimony before this committee cannot be used for any purpose even to establish an alleged waiver of a privilege, it would seem to me, logically and justly.

Mr. SACHS. With great pleasure, I agree with you, Mr. Chairman.

Senator WEICKER. I want to make one thing clear, speaking for myself in my own questions on this matter, that outside of the grant of immunity, if there is any question that I pose to your client, which question you consider under normal conditions to be violative of your client's rights, but you are permitting—this is outside of the grant of immunity—but you are permitting your client to respond because you feel you are under pressure, I want you to advise me, counsellor, because I don't want the answer.

Mr. SACHS. Senator, I appreciate your—the expression you have just made, but I am not really sure that it is possible for me to advise Mr. Hunt within those—within that suggestion. We are talking to Judge Sirica as well as to this committee. We are talking to the judge

who is sentencing Mr. Hunt, and I really, with all deference, would suggest that you gentlemen really can't help yourselves but exercise—but carry out, by your questioning, but carry out the warning that or the—well, in a way, you can't keep yourselves from holding the sword that Judge Sirica is holding over his head.

Senator WEICKER. I think it is perfectly possible for your client to go ahead and respond to questions within the grant of immunity, if you will without going afield and being in the position of violating other rights which he has, and the attorney-client privilege is that type of situation.

Mr. SACHS. Let me add, please, that by what I have said, I do not mean to suggest that Mr. Hunt is not motivated also to some extent by a desire to do what now appears to be the thing that his country requires. He respects the authority of this committee and its purposes and he does desire to tell the truth. He is not—well, I think that makes the point.

The only other thing I would have to say is that I think we have to hear his 6- or 8-inch pile of transcripts reflecting the questions and answers that have already been made to him and given by him and it is, of course, possible that questions will be asked today that have not been asked but it is fairly unlikely that anything new will be touched on, so while, Senator, you may ask a question and be willing that we not answer it on that basis, the great likelihood is that it will already have been asked and answered.

Mr. DASH. I just have a couple more questions, Mr. Chairman.

Mr. Hunt, shortly before your sentencing on March 23, 1973, did you meet with Mr. Paul O'Brien in Mr. Bittman's office?

Mr. HUNT. I met with Mr. Paul O'Brien in the law office of Hogan and Hartson, not specifically in the premises assigned to Mr. Bittman.

Mr. DASH. And can you just very briefly tell us what you told Mr. O'Brien and what Mr. O'Brien told you at that meeting?

Mr. HUNT. I will be glad to.

I believe, Mr. Dash, you are referring to the second meeting I had with Mr. O'Brien?

Mr. DASH. Yes, just prior to the sentence.

Mr. HUNT. I had requested that Mr. Bittman arrange a meeting between myself and Mr. O'Brien, inasmuch as Mr. Bittman had kept me apprised of the extent of my legal indebtedness to the firm of Hogan and Hartson. Mr. O'Brien, I knew, was the current contact that Mr. Bittman had on the committee, not only for matters relating to the various civil suits that had been filed, but also and more relevantly in connection with the payment of legal fees for Mr. Bittman's services in my behalf. Mr. Bittman indicated to me that his representations for the payment of legal fees had been ineffective and I suggested to Mr. Bittman that he permit me to speak with Mr. O'Brien about that matter. That is the background of the meeting itself.

When Mr. O'Brien came to the offices, we were shown into a private interview room and I spoke to Mr. O'Brien at some length about the size and nature of the legal bills. I think at that time, they amounted to approximately \$60,000. I told him at the same time that I was very much concerned about the future of my family, that I would very much like to have the equivalent of 2 years subsistence available to

them before I was incarcerated, that incarceration being due in a very short period of time. And I put it to Mr. O'Brien that I had engaged as he might or might not know, in other activities, which I believe I described as seamy activities, for the White House. I do not believe that I specified them. However, I did make reference to them. The context of such reference was that if anyone was to receive benefits at that time, in view of my long and loyal service, if not hazardous service for the White House, that certainly I should receive priority consideration.

Mr. DASH. Would Mr. O'Brien be able to at least draw an inference on his part that because of the so-called seamy activities that you said you engaged in in behalf of the White House, that if you were not paid this sum of money, these may become public?

Mr. HUNT. I will answer in just one moment.

Mr. SACHS. Excuse us, please.

Mr. HUNT. Mr. Dash, in answer to your question, I would have to say that Mr. O'Brien might have assumed any number of things from our colloquy. However, I would with a great deal of deference, and begging the pardon in advance of the chairman of the committee, quote from certain testimony given in the early sessions of this committee, the first green bound volume, page 325, when Mr. Alch was being questioned.

Senator Ervin, said, and I quote:

Well, where two men communicate with each other by word of mouth, isn't there a two-fold hazard in that communication, in, first, that the man who speaks may not express himself clearly, may not say exactly what is in his mind? And if he does, the man who hears it may put a different interpretation on the words than the man who spoke them?

Mr. DASH. Well, Mr. Hunt, there has been considerable testimony which we will not get into now before the committee which indicated that both Mr. Dean and Mr. Mitchell and a number of others believed that there was considerable pressure being placed by you at that time for money and that the danger of not paying you was that there might be some public exposure of the seamy matters. In fact, Mr. Ehrlichman testified that there was a blackmail threat. So the question put to you was did you intend by telling Mr. O'Brien that, one, the \$60,000 had to be paid, and, two, you had engaged in certain other seamy matters on behalf of the White House. Did you intend to create that threat, that unless that money was paid, you would make public the acts that you had engaged in on behalf of the White House?

Mr. HUNT. No, sir.

Mr. DASH. Now, how did Mr. O'Brien respond to you when you asked for this money?

Mr. HUNT. Well, it was more than simply a question of asking for money. Mr. Dash, it was really my first opportunity to catalog the many difficulties we had had—that is to say, my late wife principally and, to some extent, myself—in finding the means to defend ourselves that had been promised us as long ago as the previous June 21. I told—Mr. O'Brien told me, I should say—that he was finding himself increasingly ineffective as a go-between. I don't recall whether he used the word "impotent" or "impotence," but he felt that his position was a very difficult one. He recognized that assurances had been given, that



to some extent, they had in the past been carried out, but he felt that he was becoming less and less effective as an intermediary.

Mr. DASH. Did he mention Mr. Colson to you?

Mr. HUNT. For that reason, Mr. O'Brien suggested that I originate and send to Mr. Colson what he termed a strongly worded memorandum, or a tough or a hard memorandum to Mr. Colson.

Mr. DASH. And what did you do after that? Did you write such a memorandum to Mr. Colson?

Mr. HUNT. I did not write the memorandum to Mr. Colson, but in response to Mr. O'Brien's suggestion. I believe that orally, I expressed surprise that he would have brought Mr. Colson's name into the dealings at this late stage of the game. I asked him why he wanted me to send the memorandum to Colson and Mr. O'Brien said, to the best of my recollection, well, there are some of us who feel that Chuck stayed out of this too long, that it is time he got his feet wet along with the rest of us, words to that effect.

My response was equivocal. I did not indicate to Mr. O'Brien whether I would or would not address such a memorandum, but I was disturbed by his suggestion.

Mr. DASH. Now, after that meeting with Mr. O'Brien, did you take steps to either try to have a meeting with Mr. Colson or to write to Mr. Colson? What efforts did you make to follow up on Mr. O'Brien's suggestion?

Mr. HUNT. Excuse me.

I reviewed at once for Mr. Bittman, upon Mr. O'Brien's departure, the substance and thrust of Mr. O'Brien's conversation. I told Mr. Bittman that I had no intention of writing the recommended memorandum, but I thought that I should get in touch with Mr. Colson so that I could explain the situation to him, notify him of the suggestion that had been made by O'Brien, whom I classified, politically speaking, as a Mitchell man.

We haven't gotten into this in testimony so far before this committee, but there appeared to be a definite division within the White House itself, at least in the lower levels, between the so-called Mitchell men and the so-called Colson men. Accordingly, I found it rather bizarre that Mr. O'Brien, a Mitchell man, would suggest that I seek help from Colson, inasmuch as Mr. Mitchell had been the progenitor of the Gemstone plan and was, at least in theory, responsible for seeing that the assurances that were implicit and explicit in Gemstone were carried out.

Mr. Bittman, to my knowledge, did get in touch with the office of the—the law offices, for by then Mr. Colson was in private practice—with the law offices of Colson and Shapiro, and made the representations in my behalf; that is, that I desired a meeting with Mr. Colson.

A day or so later, I was informed by Mr. Bittman that although Mr. Colson would not see me, his partner, David Shapiro, would see me. He would see me the following Friday, I believe February 16, early in the afternoon.

Mr. DASH. And did you have that meeting with Mr. Shapiro?

Mr. HUNT. I did.

Mr. DASH. And did you tell Mr. Shapiro substantially the same things that you told Mr. O'Brien?

Mr. HUNT. I did.

Mr. DASH. Including the other activities that you engaged in on behalf of the White House?

Mr. HUNT. I did not specify them. I referred to them.

I might add that the context of our meeting was entirely different. Whereas Mr. O'Brien had approached me, I might say, almost apologetically, Mr. Shapiro approached me rather aggressively and subjected me to a lengthy monolog which I considered to be highly self-serving. My response was that I had expected actually to see Colson, although I could understand that for purposes of record, they might want it to appear that I had met only with Shapiro rather than with Colson. I had not really expected to be served by a Colson surrogate.

Mr. DASH. Now, did you make it clear to Mr. Shapiro and Mr. O'Brien that you needed to get the money prior to the date of sentence?

Mr. HUNT. Yes.

Mr. DASH. Why was that?

Mr. HUNT. That if it was to be of any assistance to me in terms of making prudent distribution of that among the members of my family, my dependents, taking care of insurance premiums and that sort of thing, that it would have to be delivered to me before I was in jail. This was not only implicit but explicit as well, Mr. Dash.

Mr. DASH. Now what did Mr. Shapiro say to you when you made those representations to him?

Mr. HUNT. He indicated to me that he would use his own discretion as regards such portions of my conversation as he chose to convey to Mr. Colson. I responded rather angrily that I felt that he should convey all of what I had to say to Mr. Colson.

Mr. DASH. But despite what you consider to be an unsatisfactory reception by Mr. O'Brien and Mr. Shapiro, you in fact did receive a large sum of money prior to being sentenced; is that not true?

Mr. HUNT. Yes.

Mr. DASH. How much did you receive?

Mr. HUNT. \$75,000.

Mr. DASH. And do you remember when you received that? Would it refresh your recollection if the record would show that you received it on March 20?

Mr. HUNT. I would have said 20th or 21st. If the record shows the 20th, that is perfectly satisfactory.

Mr. DASH. Just a few, a couple of days before the sentencing?

Mr. HUNT. Yes, sir.

Mr. DASH. And what did you do with that money, Mr. Hunt?

Mr. HUNT. I put it in a safe deposit box eventually.

Mr. DASH. Did you eventually pay Mr. Bittman some of that money?

Mr. HUNT. No.

Mr. DASH. Did you pay Mr. Bittman any money out of that sum?

Mr. HUNT. I paid Mr. Bittman \$80,000 that derived from the proceeds of my late wife's insurance policies.

Mr. DASH. I have no further questions, Mr. Chairman.

Mr. SACHS. May I have the indulgence of the committee for just 1 second?

Mr. HUNT [conferring with counsel]. Mr. Sachs has suggested to me that I have myself spoken a moment or so ago, in which case I

want the record to reflect, that I did in fact inform Mr. O'Brien of the fact that I had taken part in other seamy activities in behalf of the White House. I hope the record is clear in this. I do not believe that I specified to Mr. O'Brien what they were. However, I made a generic reference to them. Is there any question on this?

Mr. DASH. I think the response was clear. By the way, that \$75,000 you received just before you were sentenced, in what manner did it come? Do you know how you received it?

Mr. HUNT. Yes, sir, it came in an unopened envelope that was handed me by Mr. William Bittman.

Mr. DASH. Did he indicate to you how he received it?

Mr. HUNT. Yes; he did.

Mr. DASH. Will you tell us what he said?

Mr. HUNT. I received a telephone call from him at my residence indicating that he had received telephonic notification that an envelope would be left in his mailbox for me at a certain time. He inspected his mailbox following that particular time and found that envelope there and telephoned me. I then went to his home, which is a short distance from my own residence, and received the envelope from him.

Mr. DASH. I have no further questions at this time, Mr. Chairman. Senator ERVIN. Mr. Thompson.

Mr. THOMPSON. Yes, sir.

Mr. HUNT, you state in your opening statement that in your opinion, the Watergate break-in was an unfortunate use of executive power. What executive power are you referring to?

Mr. HUNT. I am referring to power delegated to the Attorney General of the United States by the President of the United States.

Mr. THOMPSON. Who involved in the Watergate break-in or the planning of the break-in had that power, in your opinion?

Mr. HUNT. Well, are you referring to the Watergate break-in solely?

Mr. THOMPSON. Yes, sir. Your statement refers to the Watergate break-in solely, I believe.

Mr. HUNT. Yes, sir.

The Watergate break-in was a part of the Gemstone operation, an integral part of the Gemstone operation. It was financed out of Gemstone funds, Gemstone personnel accomplished it.

The concept, as I understood it from Mr. Liddy, and again I must be very clear that this is hearsay information, that the project, program, if you will, had been conceived, proposed, and engendered by the Attorney General of the United States with the assistance of the counsel to the President, Mr. John W. Dean III, and with a former and very recent White House aide, Mr. Jeb Stuart Magruder. The proposal had been put to me at the time by Mr. Gordon Liddy, who was a full-time White House employee and with whom I had worked in the field and other operations.

Mr. THOMPSON. Did you consider the Watergate break-in then, a legitimate Government operation?

Mr. HUNT. Excuse me.

[Conferring with counsel.]

Mr. HUNT. In the context in which the break-in requirement was levied on me I did, yes, sir.

Mr. THOMPSON. What context was that?

Mr. HUNT. It was that foreign moneys were reported to be—to have been sent or received by the Democratic National Committee.

Mr. THOMPSON. And when was that information related to you?

Mr. HUNT. In April of 1972.

Mr. THOMPSON. April of 1972?

Mr. HUNT. Yes, sir.

Mr. THOMPSON. Had the Watergate plans, to your satisfaction, been approved prior or subsequent to that time?

Mr. HUNT. The actual Watergate break-in was not approved. That aspect of the Gemstone program was not approved until the time coincident with my receipt of the information concerning the report having to do with the receipt by the Democratic National Committee or the probable receipt of foreign moneys.

Mr. THOMPSON. But the discussion about the Gemstone plan had been taking place prior to that time, had it not, according to your information?

Mr. HUNT. Beginning in November of the prior year.

Mr. THOMPSON. In your mind, when did you agree to become part of that plan?

Mr. SACHS. Could you specify what plan? Do you mean the Gemstone or Watergate?

Mr. THOMPSON. I am talking about the Gemstone plan.

Mr. HUNT. Almost as soon as Mr. Liddy made the proposal to me. He having invoked the names of the Attorney General and Mr. Dean at that juncture.

Mr. THOMPSON. That would have been in December of 19—

Mr. HUNT. Late November.

Mr. THOMPSON. 1971?

Mr. HUNT. Yes, sir.

Mr. THOMPSON. Late November?

Mr. HUNT. I had no hesitation in associating myself in the operation.

Mr. THOMPSON. I see. When did it first come to your attention that the Democratic National Committee headquarters was going to be broken into?

Mr. HUNT. Not until April the following year.

Mr. THOMPSON. Was this before or after you were informed that foreign money was coming into the DNC?

Mr. HUNT. Not until—perhaps I misunderstood you, Senator, the Watergate—

Mr. THOMPSON. I am not a Senator, I appreciate it anyway.

Mr. HUNT. I beg your pardon, Mr. Thompson, excuse me, sir.

We did not begin to formulate plans for the Watergate break-in until after reception of the report to the effect that foreign moneys were being received by the Democratic National Committee.

Mr. THOMPSON. But a plan was underway which included the possibility of surreptitious entry before that time.

Mr. HUNT. Yes, sir.

Mr. THOMPSON. And in your mind you associated with that plan the authority of the Attorney General, although you did not know the specifics at that particular time as to why he was authorized to set such a plan in motion. What I am getting at, Mr. Hunt, is, I wonder what was in your mind at that time as to what the Attorney General

could do and could not do. Surely anything that he decided to do would not necessarily be a legitimate activity, whether or not the President went along with it. I am wondering what justification you had in your mind for subscribing to a plan which was designed toward an opposition party in an election year.

Mr. HUNT. I can really say only this, Mr. Thompson. Having spent 21 years in the CIA following orders without question and a prior 5 years with the armed services following orders without question, it never occurred to me to question the, if you will, the legality, the propriety, of anything that might be ordered by the Attorney General of the United States.

Mr. THOMPSON. And you took Mr. Liddy's word for that?

Mr. HUNT. I did.

Mr. THOMPSON. The other activities that you were engaging in during the time that you worked at the White House, I believe you mentioned the entire Ellsberg situation, which I believe you said was a matter of national security at that time, and the Greenspun situation; information that you understood he might have on Senator Muskie. I believe the overall Gemstone plan also included, perhaps, an airplane surveillance of opposition planes or something of that nature.

Mr. HUNT. It did at one point, yes, sir. May I specify that anything having to do with electronics was drawn up by Mr. Liddy in conjunction with a specialist whom I later came to know as Mr. McCord. I had nothing to do with that budget.

Mr. THOMPSON. All right.

Also your activities included the convention situation that you referred to, getting people up, rooting people, down there in a political context. I was just wondering if the foreign money situation was the only thing outside of a political context that came to your attention as the justification for the Gemstone operation.

Mr. HUNT. I was never given any other.

Mr. THOMPSON. Who told you—

Mr. SACHS. Will you excuse me for just a minute.

Mr. THOMPSON. Who told you that foreign money was coming into the DNC?

Mr. HUNT. Mr. Liddy.

Mr. THOMPSON. Where did he get his information?

Mr. HUNT. I believe that he was receiving it from a Government agency.

Mr. THOMPSON. From a Government agency?

Mr. HUNT. Yes, sir.

Mr. THOMPSON. Did he specify which agency?

Mr. HUNT. No, sir.

Mr. THOMPSON. Did you have an opinion as to which agency?

Mr. HUNT. Yes, sir.

Mr. THOMPSON. What was your opinion?

Mr. HUNT. My opinion was that it came from the FBI.

Mr. THOMPSON. Did you have any independent corroboration of that assertion?

Mr. HUNT. No, sir.

Mr. THOMPSON. Did you make any inquiry?

Mr. HUNT. No, sir.

Mr. THOMPSON. Do you believe you remember whether or not he told you the particular agency or you just concluded that in your own mind? Did he tell you that it was an agency or did you conclude that in your own mind?

Mr. HUNT. I would go back to our mutual experience in the Plumbers organization at which time we were receiving daily reports from most of the investigative agencies of the Government with relation to the Ellsberg case. Mr. Liddy had on the basis of prior associations with the FBI a private channel, a person or persons who would telephone or send him memorandums from time to time, providing him with information which was not distributed generally within the White House, that is to say there were really two channels of reporting from the FBI into the White House. There was the J. Edgar Hoover channel to, let us say, Mr. Ehrlichman and Mr. Krogh, who would see copies of those memorandums. There were also materials that were coming to Mr. Liddy from Mr. Mardian in the Justice Department, and I believe telephonic information that came to Mr. Liddy from close and old-time associates of his at the FBI. So I had every reason to believe that he was still well plugged into the Bureau.

Mr. THOMPSON. Did he tell you precisely the source of these foreign moneys, the country?

Mr. HUNT. Yes, sir.

Mr. THOMPSON. And the individual, what did he tell you?

Mr. HUNT. Cuba.

Mr. THOMPSON. What would be the normal procedure with regard to investigating a matter like that, if any organization in this country was receiving money from a foreign country, especially a Communist country?

Mr. HUNT. The practice normally would be to lay a requirement on the CIA abroad and the FBI at home. However, the President had established the Plumbers unit because certain traditional agencies of the Government had been deemed inadequate in the performance of their duties.

Mr. THOMPSON. Was the Plumbers unit in any way operative in April of 1972?

Mr. HUNT. Yes, indeed.

Mr. THOMPSON. Do you know whether or not they were looking into this matter?

Mr. HUNT. No, sir.

Mr. THOMPSON. You don't know whether or not they were?

Mr. HUNT. I am quite sure they were not.

Mr. THOMPSON. Nobody else was, as far as you know?

Mr. HUNT. No, sir.

Mr. THOMPSON. With regard to the actual scene, who was in charge of the various operations on the night of the break-in, the early morning hours of June 17, 1972?

Mr. HUNT. The responsibilities were the same as they were during the prior break-in on May 27, and that is to say I was in overall charge of the entry operation. I planned it, and with Mr. McCord's help surveyed the groundwork, developed the operational plan. Mr. McCord had certain electronic responsibilities, the precise nature of which I was unaware. My team, that is to say, the four men from Miami,

were charged with photographing documents that would bear on the object of our search while Mr. McCord went about his electronic business.

Mr. THOMPSON. Did you tell any of the Cuban-Americans about the foreign money information that you had?

Mr. HUNT. I did.

Mr. THOMPSON. Who did you tell?

Mr. HUNT. I told Mr. Barker, and this was the basis on which I secured his cooperation initially.

Mr. THOMPSON. Do you know whether or not he related this to the people he enlisted to assist him in the operation?

Mr. HUNT. I believe he may have. If I can amplify a bit, Mr. Thompson, when I approached Mr. Barker with the requirement for an entry into Democratic national headquarters I told him that we wanted to verify a report to the effect that Castro money was reaching the Democratic National Committee coffers, and Mr. Barker's immediate response was "there are rumors all over Miami, I have heard all about it, you don't need to tell me anything more."

Mr. THOMPSON. Did you tell him anything more about it?

Mr. HUNT. I knew nothing more about it.

Mr. THOMPSON. He operated then on your information?

Mr. HUNT. He did.

Mr. THOMPSON. Was there any financial reward in any way for Mr. Barker or any of the other Cuban-Americans out of the Watergate break-in?

Mr. HUNT. There was compensation for them for time lost from their normal businesses, yes.

Mr. THOMPSON. Was there anything additional to that?

Mr. HUNT. Not that I know of; no, sir.

Mr. THOMPSON. What about the break-in of Dr. Fielding's office, was there any pecuniary benefit coming out of that for them other than just expenses, time, or money for time lost from work, that sort of thing?

Mr. HUNT. No, sir, that was all.

Mr. THOMPSON. What was told the Cubans with regard to that operation, with regard to the reason and necessity for the break-in in Dr. Fielding's office.

Mr. HUNT. I told Mr. Barker originally in Miami that a break-in would be necessary; an entry operation would be necessary on the west coast as we had information to the effect that a man whom I believe I described as a traitor to the United States was passing classified information to a foreign power.

Mr. THOMPSON. Were you the one who enlisted Mr. Barker's aid to come to Washington during Mr. Hoover's funeral?

Mr. HUNT. I was.

Mr. THOMPSON. Did he in turn enlist the aid of other Cuban-Americans to come with him?

Mr. HUNT. He did.

Mr. THOMPSON. What was the reason for your arrangements for them to come to Washington?

Mr. HUNT. This was in response to an urgent requirement by Mr. Liddy who indicated to me that he had information, and again I

assume it to be from a U.S. Government agency—to the effect that in conjunction with a peacenik demonstration on Capitol Hill premises, that an effort would probably be made to desecrate the catafalque of J. Edgar Hoover who was then lying in state here in the rotunda of the Capitol. It was desired that perhaps as many as 10 or 12 men be brought up from Miami so that they could circulate through the crowd, sense their temper, and if a surge was made from the focus of the demonstration then in progress that these men could post themselves around the casket of J. Edgar Hoover and prevent its desecration.

Mr. THOMPSON. Did they further—

Mr. HUNT. If a Vietcong flag was unfurled by the demonstrators, who included such notables as Messrs. Kunstler and Ellsberg, Jane Fonda, Sutherland, and so forth, that that flag be obtained, taken from them and turned over to Mr. Liddy.

Mr. THOMPSON. Did they come?

Mr. HUNT. They did.

Mr. THOMPSON. Did they subsequently engage in fisticuffs with some of the demonstrators?

Mr. HUNT. I have heard that alleged.

Mr. THOMPSON. Did they receive any financial award or benefit out of that operation except for their expenses coming and going?

Mr. HUNT. Not to my knowledge.

Mr. THOMPSON. With regard to the break-in of the DNC, as far as you know their motivation was, first of all, that they were doing something to expose a traitor and, second, that they were trying to uncover or verify reports that Castro money was coming into the Democratic National Committee headquarters.

Mr. HUNT. Yes, sir.

Mr. THOMPSON. So far as you know that is the sole basis for their action?

Mr. HUNT. Yes, sir, although there was speculation that Hanoi money might be coming in as well.

Mr. THOMPSON. What?

Mr. HUNT. There was some speculation among us that money from Hanoi was also coming in as well. This was not part of the corpus of Mr. Liddy's representations to me.

Mr. THOMPSON. Who told you that?

Mr. HUNT. Nobody told it to me, Mr. Thompson. Senator McGovern, though, for some time had been saying that he would in effect crawl to Hanoi if it meant the release of our prisoners, and we felt that if Castro money might be coming into the Democratic National Committee coffers that money might also be coming from Hanoi as well.

Mr. THOMPSON. Did you tell Mr. Barker to look for any particular kind of documents when he entered the DNC that night?

Mr. HUNT. Yes, sir.

Mr. THOMPSON. What did you tell him to look for?

Mr. HUNT. Financial documents, ledgers, account books, that sort of thing.

Mr. THOMPSON. Would Mr. Barker know if he came across significant documents in this regard, do you think? Did he have any background in political campaigns or finances?



Mr. HUNT. My presumption or our operational presumption was, Mr. Thompson, that during the course of his search Mr. Barker would come across ledgers and account books of some kind, all political parties being required to keep them. His instructions were to photograph in effect any page with a figure on it. Later on a determination would be made as to the significance and validity of those figures, the sources of the funds and contributions.

Mr. THOMPSON. We have heard testimony about how the entry was carried out that night. Will you correct me if I misstate it? I believe Mr. McCord first taped the locks on the door, returned, found the tape had been removed. Then there was a discussion among the people there as to whether or not entry would be made after finding that situation there. Do you recall such a discussion among yourself and Mr. Liddy, Mr. McCord, and the Cubans?

Mr. HUNT. Yes, sir.

Mr. THOMPSON. Relate to us that discussion as best you can remember.

Mr. HUNT. Mr. McCord came up to room 214, where we were waiting—I am speaking now of the Watergate Hotel—and said that he had previously taped the locks on the entry door of the basement of the Watergate office building. He said that on returning just prior to our, to the meeting that was then in progress, he had noticed that the tape had been removed and he had retaped the door.

I asked him why he had done that and he said that he had noticed a large pile of mail sacks in the vicinity and he felt that the mailman, on exiting the Watergate office building premises, had taken off the tape.

Mr. THOMPSON. He told you that he had already retaped the door?

Mr. HUNT. He had retaped the door; yes.

At that point, I said, let us junk it, meaning let us scratch the operation.

Mr. Liddy and Mr. McCord talked between themselves and the decision was made to go.

Mr. THOMPSON. Did you hear the conversation between Liddy and McCord?

Mr. HUNT. I walked away. As I recall, I walked over to the window. I thought that it was very foolhardy to proceed on that basis.

I might add that I had argued for 3 days in advance ineffectively with Mr. Liddy prior to June 17 against the second entry of the Watergate.

Mr. THOMPSON. Why?

Mr. HUNT. Because it had been known to me through reports Mr. McCord had made that Mr. O'Brien was no longer in residence there, that there was evidently a large-scale movement of books, files, call it what you will, from the Watergate office to the convention headquarters of the Democrats in Miami. I felt that in effect, the bird had flown.

Mr. THOMPSON. Did you hear any of the conversation as to who made the final decision or who was for or against reentry?

Mr. HUNT. I think it was a mutual decision, a common decision between Mr. Liddy and Mr. McCord.

Mr. THOMPSON. And Mr. McCord gave what reason in his mind for the tape having been removed, as to who removed it?

Mr. HUNT. That he had seen immediately adjacent to that door a pile of large mail sacks, which he felt had been collected by the mailman and on exiting the building, the mailman must have noticed that the lock was taped and had removed the tape. Mr. McCord was convinced, he told us, that it was just happenstance.

He thereupon retaped the lock, came up to our room, and said, in effect, I am ready to go, let's go.

Mr. THOMPSON. How did he get the door back open to retape it?

Mr. HUNT. I do not know.

Mr. THOMPSON. Was there any discussion about buying off the guard, perhaps?

Mr. HUNT. No, sir, but there was money available for that.

Mr. THOMPSON. Do you know why that was not carried out?

Mr. HUNT. No, sir. I do not believe that it—it had not been necessary in our first entry. We did not even attempt it the second time around.

Mr. THOMPSON. Did you know at the time that some of the people who were going to make the entry were carrying \$100 bills in numerical sequence that could be traced?

Mr. HUNT. I do not think I knew that they were carrying sequential bills on them, no, sir.

Mr. THOMPSON. Was any check made of things of that nature—what was on the persons of the people making entry and what would be done or what could happen?

Mr. HUNT. They were told to take their personal wallets, billfolds and so forth, and put them or leave them behind in room 214, which I believe they did. They were then provided, a couple of them were provided with false documentation which I had received from the CIA. We felt the false documentation plus the money that they had on them would be sufficient to get them out of a local guard-type situation.

Mr. THOMPSON. After the break-in, did you have occasion to call Mr. McCord and talk to him about Mr. Baldwin, about hiring Mr. Baldwin?

Mr. HUNT. Yes, sir, I did.

Mr. THOMPSON. Would you relate that conversation?

Mr. HUNT. At about the time that Mr. Baldwin began telling his story to the Los Angeles Times—

Mr. THOMPSON. When was that? How long after the break-in would you say?

Mr. HUNT. May I consult my notes?

Mr. THOMPSON. Yes, sir.

Mr. HUNT. It should be a matter of record.

Mr. Thompson, I would have to place it as a guess at some time toward mid-July, or even late July, at a time when Mr. McCord was no longer in the District of Columbia jail and the time when Mr. Baldwin had begun, so to speak, to sing.

Mr. THOMPSON. All right. Would you relate the conversation?

Mr. HUNT. I was quite disturbed by the revelations that Mr. Baldwin was making. I telephoned Mr. McCord and asked him to explain, in effect, the circumstances surrounding this apparent disloyalty on the part of a man he had hired. Mr. McCord said that he, himself, Mr.

McCord, was short on funds. I suggested that he sell the van which Mr. Baldwin had, for some reason, driven to Mr. McCord's home in the wake of the operation against my instructions to take it elsewhere.

Mr. THOMPSON. Pardon me. You say against your instructions?

Mr. HUNT. Yes. Following the break-in—and I probably should go back to clarify the record. In a very minor way, I had been asked before the lunch break to recount my own movements following the Watergate, the arrest of the five men. I did not go directly to the White House. I went over to the Howard Johnson Motel and spoke with a man whom I had not previously seen or met, but whom I knew to be an employee of Mr. McCord's, and told him to load all of his equipment into the van that McCord had and to drive away, get away from the premises.

He said: "Where shall I go, shall I take it to Mr. McCord's home?"

I said: "No, any place but that, I do not care where you take it. Drive it into the river, I do not care."

In any event, it developed that Mr. McCord—Mr. Baldwin took the van to Mr. McCord's house and left it there.

Mr. THOMPSON. Do you know how far his house was from the Howard Johnson's Motel? Was it close by?

Mr. HUNT. Mr. McCord's house?

Mr. THOMPSON. Yes.

Mr. HUNT. No, it was a substantial drive. I would guess 15 or 16 miles.

Mr. THOMPSON. Go ahead. You were talking about your conversation—that is all you have to relate on that?

Mr. HUNT. Yes, sir.

Mr. THOMPSON. Pick up your conversation now with Mr. McCord about that.

Mr. HUNT. I was rather critical with Mr. McCord about the performance of his employee and Mr. McCord, on his part, was rather defensive. He indicated to me that in the wake of the arrests, Baldwin had felt himself abandoned and had gone directly to the Committee for the Re-Election of the President to seek instructions and/or financial assistance and he had been rebuffed.

Feeling himself thus abandoned and cast upon his own resources—I am again quoting Mr. McCord to the best of my recollection—Mr. Baldwin sought counsel in Connecticut and retained two attorneys, who, in whose hands he subsequently remained. It was on the basis of their advice that he began giving interviews, the first of which was, I believe, with the Los Angeles Times.

Mr. THOMPSON. Was that the only conversation you had with Mr. McCord about Baldwin?

Mr. HUNT. To the best of my recollection; yes, sir.

Mr. THOMPSON. You didn't know Baldwin except through McCord, I take it?

Mr. HUNT. I saw him at 2:30-odd hours on the morning of June 17 in the darkened room. I would never have been able to identify him except through a photograph I saw in the newspaper.

Mr. THOMPSON. Mr. Hunt, you have been asked this morning about what, in your opinion, Mr. Colson knew about an overall plan, or a Gemstone plan. I am not sure that I have that straight in my mind.

You referred, first of all, to the conversation you had with Mr. Colson in January of 1972, I believe, when you told him that you were, in effect, going to the Committee To Re-Elect.

Then we referred to a conversation you had with Mr. Liddy after the meeting that you had with Liddy and Colson in Colson's office, when Mr. Liddy said that he thought Colson would help. Just what, in your opinion, did Mr. Colson know?

Mr. HUNT. I beg your pardon?

Mr. THOMPSON. Just what, in your opinion, did Mr. Colson know about the Gemstone operation and what is the basis of that opinion?

Mr. HUNT. Would you excuse me a moment?

Mr. SACHS. Excuse us, please, just a moment.

Mr. HUNT. To address myself to your question, Mr. Thompson, and I am reading through some notes that I have compiled—is that permissible?

Mr. THOMPSON. Yes, sir. When did you compile them?

Mr. HUNT. Within the past 10 days.

Mr. THOMPSON. Was it before or after the grand jury session when you first related to the staff the fact that in your opinion, Mr. Colson did know about the Gemstone operation?

Mr. HUNT. It was in connection with that.

Mr. SACHS. Mr. Thompson, that was not a grand jury session.

Mr. THOMPSON. I am sorry. I meant the executive session of the staff. Do you recall whether it was before or after that session?

Mr. HUNT. It was at the same time.

Mr. THOMPSON. It could not have been exactly the same time.

Mr. HUNT. In order to make my presentation to the committee in executive session, I prepared the notes that I have now requested permission to read.

Mr. THOMPSON. Had this question that I just posed to you or similar questions concerning his knowledge been posed to you in executive session before you made these notes?

Mr. HUNT. Yes, sir.

Mr. THOMPSON. All right, go ahead.

Mr. HUNT. In late January 1972 I told Colson that as a result of my increasing involvement with Gordon Liddy, I would be unable to give anything like as much time to Colson as I had in the past. Colson said, that is all right, you can be a lot more useful over there; that is, working for Liddy.

I remarked that he was probably aware of the large-scale intelligence program that had been conceived and which Mr. Liddy was heading. Colson said, I had much preferred that you head it.

He indicated at the same time that he had already provided bona fides on my part to Mr. Mitchell.

I replied that I liked the arrangement with Liddy, that I had worked with and had full confidence in Liddy. At the same time, I had a rather demanding job at Mullen and Co. I told Colson that I would like to be able to be available to him, Colson, within the limits of my physical capacities and said that I assumed that I would maintain my White House office and safe.

Colson said that was no problem.

This is the background for Colson's perceptions when I called on him with Liddy about a month later. Colson knew that I had been engaged in covert activities with Liddy. He in fact, I have been given to understand, actually financed the Fielding entry.

Mr. THOMPSON. When did you learn that?

Mr. HUNT. I learned that in conjunction with an appearance I made before the Watergate grand jury.

Mr. THOMPSON. You were told at that time?

Mr. HUNT. Yes, sir.

Mr. THOMPSON. About financing the Fielding entry. Could you be a little more specific as to what he actually told you he did?

Mr. HUNT. He provided the moneys which were used by Mr. Liddy for that purpose.

Mr. THOMPSON. Were you told who he gave the money to?

Mr. HUNT. I am sorry, sir.

Mr. THOMPSON. Were you told who he gave the money directly to?

Mr. HUNT. Who is "he"?

Mr. THOMPSON. Mr. Colson.

Mr. HUNT. I have testified that I saw Mr. Krogh give money to Mr. Liddy, but it was not until recently that I learned that Mr. Krogh received the money apparently from the hands of Mr. Colson.

Mr. THOMPSON. And you don't know anything about the circumstances of his giving money to Krogh other than—

Mr. HUNT. No, sir; I do not.

Mr. THOMPSON. All right, sir. Go ahead.

Mr. HUNT. Colson also acknowledged that he was aware of a plan conceived by the Attorney General to secure intelligence on radical groups and democratic candidates, that being the general tone program, and that I was working on this with Liddy as a covert collaborator.

Mr. THOMPSON. This was in January, the January meeting?

Mr. HUNT. Yes, sir, the January meeting.

Mr. THOMPSON. So he actually said, he used the word Gemstone?

Mr. HUNT. No, sir.

Mr. THOMPSON. Would you read that last portion again?

Mr. HUNT. I was not reading, I was interpolating.

Mr. THOMPSON. I see.

What, exactly, did he say in response to your inquiry as to whether or not he was aware of a large scale intelligence plan other than what you have already related?

Mr. HUNT. Yes, sir; this is my summation of the conversation. I had said earlier, I remarked to Mr. Colson that he was probably aware of the large-scale intelligence program that had been conceived and which Mr. Liddy was heading. He said that he was and in fact, that he had checked my bona fides in behalf of the Attorney General.

Mr. THOMPSON. When did you conclude in your own mind that he was in fact aware of it? As soon as he said it at that meeting?

Mr. HUNT. Yes.

Mr. THOMPSON. All right, what about the meeting in February, after you left? I believe you had a conversation with Mr. Liddy. If my memory serves me correctly, I believe in executive session you said

something to the effect that that was the first time that you really became aware or that you concluded in your own mind that Colson must have been aware of exactly what was going on regarding the Gemstone plan—

Mr. HUNT. I said that, Mr. Thompson, at an earlier executive session.

However, subsequently, to a different line of questioning by counsel to this committee, I was able to reconstruct events that had not at that point been fresh in my mind.

Mr. THOMPSON. Let's see if this is the line that you are referring to. I am referring to the transcript of September 20, 1973, Thursday. I will start reading at line 11:

"It was in late January"—

Mr. SACHS. What page, Mr. Thompson?

Mr. THOMPSON. I'm sorry, page 467.

I will start reading about line 11 and I will be skipping some. If you want to take the time to read the parts in between, of course, that is perfectly all right.

In late January, 1972, I told Charles Colson that as a result of my increasing involvement with Gordon Liddy I would be unable to give anything like as much time to Colson as I had in the past. Colson said, "That is right. You can be a lot more useful over there." That is to say working for, or with Liddy. I remarked they, Colson, was probably aware of the large scale intelligence program that had been conceived and which Mr. Liddy was heading. Colson said, "I would have much preferred that you head it." I replied that I liked the arrangement. I had worked with and had confidence in Liddy. Besides, I had full time work with Mullen and Company. I told Colson I would continue to be available to him within the limits of my time and assumed I would maintain my White House office and safe. Colson said that was no problem.

Then, if I may, I would like to move over to page 471.

Senator ERVIN. That is a vote signal, so we will have to take a temporary recess to go over there and vote.

[Recess.]

Senator ERVIN. The committee will come to order.

Mr. THOMPSON. Mr. Hunt, without reading it, let me see if I can summarize the situation, and you correct me if I am wrong. I got the impression from reading the transcript that the question was posed to you as to how it could be that such a conversation could come about between Mr. Liddy and Mr. Colson; what would be a plausible explanation for that; and also your being there; what kind of an explanation would be plausible with regard to what Mr. Liddy told you afterward, and you in effect concluded that the only plausible explanation must have been that Mr. Colson had known about it beforehand. Would that be a fair summary of what you stated in executive session?

Mr. HUNT. Yes, sir.

Mr. THOMPSON. Well, if that is the case, then that would indicate that it was after the February meeting that you concluded, in your own mind anyway, that Mr. Colson was aware of the Gemstone plan and not before that time.

I got the impression that you were saying that the first time you realized in your own mind that Mr. Colson must have been aware of the overall plan, was after the February meeting.

Mr. HUNT. At that time, yes, sir.

Mr. THOMPSON. Well, when you had the January meeting with Mr. Colson did you discuss the reason for going to the Committee To Re-Elect? I assume you did not come away from that discussion with the feeling that he had an awareness of the overall Gemstone war.

Mr. SACHS. I am sorry, Mr. Thompson, I am sorry I do not know whether you say awareness or unawareness so I missed that.

Mr. THOMPSON. Awareness.

Mr. HUNT. I believe I am having difficulty now in discriminating between questions, Mr. Thompson, I am terribly sorry. I am not trying to be obstructive, I want to be responsive. Could you restate the question as it stands?

Mr. THOMPSON. Let me put the question to you just the way it was put in executive session then, Mr. Hunt. I have already related where you stated that you had a conversation in January with Mr. Colson about the overall intelligence plan. Mr. Dash asked you:

Other than the particular intelligence plan that you were working with Mr. Liddy on, which Mr. Liddy was getting approval from Mr. Mitchell which is known, as we know now, as the Gemstone plan, was there any other plan in effect?

Mr. HUNT. No, sir.

Mr. DASH. So in restating it the Gemstone plan was the only large-scale intelligence plan which was in existence at that time, so Mr. Colson's statement to you that he was aware of their plan could only further the Gemstone plan.

Mr. HUNT. Yes, sir.

Mr. DASH. And that is what led you to believe that when you, in February, introduced Mr. Liddy to Mr. Colson that Mr. Liddy on his own while you were there in the rear of the room urged Colson's assistance on this plan that Mr. Colson was already aware of the Gemstone plan and did not need any further information provided but he personally, he would entrust, and this was the basis on which he made the telephone call to Mr. Magruder.

Mr. SACHS. Mr. Thompson, I am sorry we do not have the page, and we are not following, and it is going a little too fast. If you would direct us to the page.

Mr. THOMPSON. I am reading from pages 471 and 472.

Mr. SACHS. I think our problem is that Mr. Hunt does not quite know what the question is.

Mr. THOMPSON. When did you first become aware in your own mind, that Mr. Colson knew about the Gemstone plan?

Mr. HUNT. In January.

Mr. THOMPSON. In January?

Mr. HUNT. Yes, sir.

Mr. THOMPSON. Now, Mr. Dash has referred to an executive session on May 14, 1973. Would it be fair to say that at this executive session, the statement which he referred to, where he questioned you as follows:

Mr. DASH. Actually, when did you first learn from Mr. Liddy that the sign was OK, the go sign, referring to the approval by the Attorney General.

Mr. HUNT. Well, I would put it very late in March, very late in February, if not in early March.

Mr. DASH. And it was around that time when you met with Mr. McCord in March.

Mr. HUNT. Yes, sir.

Mr. DASH. During that time did you ever indicate in the presence of Mr. McCord that these plans would have—that you were in touch with other persons yourself and the White House, Mr. Colson or anybody else concerning these plans.

Mr. HUNT. No, sir.

I would not have done this because it was true to the best of my knowledge. Mr. Colson had no specific knowledge. He had no knowledge of my dealings with Mr. Liddy from me. Now, if Mr. Colson had collateral knowledge or awareness he did not confide in me.

Mr. DASH. Beside these people who were meeting, that would be Mr. Mitchell, Mr. Dean, Magruder and yourself and the Cubans who came up for that, who else to your knowledge, was aware of this activity?

Mr. HUNT. Of the overall project?

Mr. DASH. Yes.

Mr. HUNT. I have no personal knowledge of anyone.

Would you say that that is inconsistent with your present testimony?

Mr. HUNT. Yes, sir, Mr. Thompson, and let me try to reconcile this as best I can, as I believe I have in subsequent testimony.

That until a matter of some 2 weeks ago and perhaps less it had been my firm conviction that there had been no substantive knowledge on the part of Mr. Colson concerning the Gemstone, with the overall intelligence plan.

However, following a line of questioning embarked upon by Mr. Dash, a train of thought was parked which led to my recollection of the January meeting with Mr. Colson which then became significant to me. On that, the basic of my—of my reconstruction of our January meeting I was able to postulate what Mr. Colson's perceptions might have been during his meeting with Liddy and myself in February, and it is to that that I gave, have given my most recent testimony.

Mr. THOMPSON. So you, in effect, did not remember up until the time Mr. Dash embarked upon that line of question—

Mr. HUNT. That is correct.

Mr. THOMPSON [continuing]. That you had discussed this matter in January with Mr. Colson and he indicated that he was aware of it?

Mr. HUNT. That is correct.

Mr. THOMPSON. Would you not consider that a significant piece of information?

Mr. HUNT. I consider it to be a piece of significant information now; yes, sir.

Mr. THOMPSON. Well—

Mr. HUNT. In January I was not acutely conscious of it in terms of significance.

Mr. THOMPSON. Well, did you realize the significance of it on May 14 when you stated that so far as you knew, Mr. Colson and no one else had knowledge of the plan?

Mr. HUNT. May 14. I did not recollect it, Mr. Thompson.

Mr. THOMPSON. Since your testimony here and the testimony in executive session when this was brought out, you have filed a motion to set your plea of guilty aside, I believe; have you not?

Mr. HUNT. Yes, sir.

Mr. THOMPSON. And if I understand it, that motion is based in part upon what you might say, is some kind of executive approval of the plan, which would justify the plan at least in your mind at that time, and you mentioned Mr. Dean, Mr. Magruder, Mr. Mitchell, I believe, and also Mr. Colson in your pleadings with regard to your motion that you filed to set your plea aside, is that correct?

Mr. HUNT. Yes, sir. With all deference, Mr. Thompson, let me point out that Mr. Dash had previously asked me in effect the same question



and I responded, I believe, the record will show, that my plea is not based substantively upon Mr. Colson's involvement or noninvolvement.

Mr. THOMPSON. My failure to understand it is based upon what I understood your original testimony to me; this latest information in response to Mr. Dash, this additional information, was not inconsistent. Now I understand you to say it is inconsistent but it is based upon your failure to previously remember.

I also would like to ask you concerning a letter which you wrote to Mr. Colson on August 9, which I would like to furnish you a copy of at the present time if you don't have it. This is an exhibit, a part of the record, and was furnished to us by Mr. Colson, I believe. It is a letter to Colson dated August 9, 1972. I won't go into the first part of it unless you care to—it has to do with the fact that you were removed from Mullen's HEW account. Now in the last paragraph you say:

Let me say I profoundly regret your being dragged into the case through association with me, superficial and occasional though the association was. What small satisfaction I can dredge up at the moment is the knowledge that I was not responsible for the affair or its outcome. All this pales, of course, beside the overwhelming importance of re-electing the President, and you may be confident that I will do all that is required of me toward that end.

Was it your opinion at that time that Mr. Colson was being dragged into the case solely because of his prior friendship with you or do you now feel that he was possibly being dragged in because he knew of the plan from the very inception?

Mr. HUNT. Because of his what with me, sir?

Mr. THOMPSON. Because he knew of the Gemstone plan and somewhat participated in that.

Mr. HUNT. He was being dragged into the Watergate case by the press because he had been my sponsor in the White House, and because my, one of my alternate telephone extensions was out of his office. That was how the connection had initially been established. I regretted that.

Mr. THOMPSON. So that was the sole basis, in your mind at that time, for feeling that he was being dragged into the case. Would that be a fair statement?

Mr. HUNT. We are talking Watergate case now, yes, sir.

Mr. THOMPSON. All right.

With regard to the telephone conversation that was recorded by Mr. Colson in late November of 1972, if I can refer to page 6 of that; I believe in retrospect you probably feel you were being set up with regard to that and, of course, Mr. Colson's statement could have been self-serving. Do you have that before you? I believe that was furnished a moment ago.

Mr. SACHS. We will in 1 second.

Mr. THOMPSON. Page 6, about the sixth sentence down, Mr. Colson states and I will leave out some of the language here, he said:

If I ever had known it was coming I would have said to you as a friend, if some asshole wants to do this, fine, but don't you get involved. I mean, if you and I, if we'd ever had a conversation like that, I would have said, my God, \* \* \* but the point I've made is that you're a smart \* \* \* among many other qualities, you are a brilliant operator and brilliant operators just don't get into this kind of a thing, so I've held and I was asked \* \* \* and this is why I don't want to know any different, this is why I was asked by the Bureau, well, what about Hunt? And I could honestly say, look, I've known this guy a long time, he's a very smart

fellow and I can't for the life of me conceive that he would ever get himself into this kind of situation, so I want to be able to stay in that position. That's why I don't want you to tell me anything beyond that. Give my love to Dorothy, will you?

And you responded: "All right, I will."

Of course here, Mr. Hunt, he not only presumably would be denying any knowledge about any such operations or plans himself but he is denying knowledge of your participation in such plans. Why did you not respond at that time and refer to some of the previous conversations you had had with Mr. Colson if he knew about the Gemstone plan and you knew of your participation in the Gemstone plan?

Mr. HUNT. I believe that our conversation was focused on Watergate, on the Watergate entry that failed.

Mr. THOMPSON. So your testimony is that, as far as you know, although he was aware of the overall Gemstone plan, he was not aware of the Watergate break-in?

Mr. HUNT. Yes, sir.

Mr. THOMPSON. Mr. Chairman, I have no further questions.

Senator ERVIN. Now, who were the members of the Plumbers?

Mr. HUNT. The unit was directed by Mr. Egil Krogh, Jr. His deputy was Mr. David Young. Mr. G. Gordon Liddy was a full-time member of the unit. The stenographer-typist was Miss Kathleen Chenow, and I was a part-time consultant.

Senator ERVIN. Did the Plumbers have a secretary named Miss or Mrs. Chenile?

Mr. HUNT. I am not aware of anybody by that name.

Senator ERVIN. Chenow, C-h-e-n-o-w?

Mr. HUNT. Yes, I just gave her name, Miss Kathleen Chenow, C-h-e-n-o-w.

Senator ERVIN. Now, the telephone that the Plumbers used was listed in her name and at her home in Alexandria, wasn't it?

Mr. HUNT. So I understand.

Senator ERVIN. Yet it was in the offices which the Plumbers occupied in the Executive Office Building?

Mr. HUNT. Yes, sir.

Senator ERVIN. That is where the phone was but it was listed in Alexandria. Why was that?

Mr. HUNT. That was the inadequate response by the communications unit at the White House to my request for a sterile telephone.

Senator ERVIN. A sterile telephone is one that can't be found readily or traced, isn't it?

Mr. HUNT. It can't be found at all.

Senator ERVIN. So you used that telephone to have conversations, receive long distance calls, and make long distance calls to Bernard Barker, didn't you?

Mr. HUNT. Among others, yes, sir, Senator.

Senator ERVIN. How long have you known Bernard Barker?

Mr. HUNT. Since 1959-60.

Senator ERVIN. And you made arrangements with Bernard Barker and Martinez and Sturges and Gonzales to participate in the entry of the Watergate, didn't you?

Mr. HUNT. To be precise, Mr. Chairman, I made arrangements with Mr. Barker. Mr. Barker made subsequent arrangements with the other gentlemen.

Senator ERVIN. Now, we have evidence before this committee to the effect that the four Miami residents had in their possession, either in their pockets or in their hotel rooms in Watergate, 53 \$100 bills at the time they were apprehended at the Watergate.

Do you know where that money came from?

Mr. HUNT. Yes, sir.

Senator ERVIN. Where did it come from?

Mr. HUNT. Mr. Gordon Liddy.

Senator ERVIN. Do you know how—we have testimony here also to the effect that this money was part of a deposit that was temporarily made in Mr. Barker's bank account or his firm's bank account in Miami, Fla., consisting of four Mexican checks totaling \$89,000 and one from Kenneth Dahlberg in the amount of \$25,000.

Do you know how that money happened to be deposited in Mr. Barker's bank account or his firm's bank account in Miami?

Mr. HUNT. In this way, Mr. Chairman, that Mr. Barker was performing a service for Mr. Liddy in negotiating checks, that is to say, passing them through a bank account and delivering the proceeds to Mr. Liddy.

Senator ERVIN. How long had Mr. Liddy known Mr. Barker, to your knowledge?

Mr. HUNT. Since December or January—December 1971, January of 1972.

No, I beg your pardon. I would have to go back to the Ellsberg entry. He knew through the summer, the summer months of 1971.

Senator ERVIN. Now, you worked under Mr. Colson in the White House, didn't you?

Mr. HUNT. Yes, sir.

Senator ERVIN. And when you were operating the Plumbers there, you made reports to Mr. Colson, did you not, of what you were doing, what you recommended?

Mr. HUNT. Occasionally; yes, sir.

Senator ERVIN. Well, I have in my hand here what purports to be a copy of a report from you to Charles Colson dated July 28, 1971, in which you recommend to him—well, I will hand this to the witness.

You have a copy of that?

Mr. SACHS. Yes, we have a copy of that July 28 memo.

Senator ERVIN. Can you identify that as being a copy of a report you made to Mr. Colson?

Mr. HUNT. Yes, sir, Mr. Chairman.

Senator ERVIN. And in that report, you recommend among other things to Mr. Colson that he should obtain Mr. Ellsberg's files from his psychiatric analyst, did you not, among other recommendations?

Mr. HUNT. Yes, sir.

Senator ERVIN. And you knew that there was no way in which you could obtain that report except by surreptitious entry, did you not? Other than what you knew, it was privileged under the law of California?

Mr. HUNT. Senator, I was not limiting my options at that point simply to a surreptitious entry. What I had described here was a desirable product. The means of obtaining it had not yet clarified themselves and were not to, for, in fact, a month.

Senator ERVIN. Well, now, you thought it was desirable to get his files from his psychiatric analyst in order that the CIA might use them to carry out your second recommendation in that letter, to perform a covert psychological assessment evaluation on Ellsberg.

Mr. HUNT. Yes, sir.

Senator ERVIN. And the objective of the surreptitious entry into the office of Dr. Fielding, Ellsberg's psychiatrist, was for the purpose of getting at his records concerning Ellsberg?

Mr. HUNT. Photographing them; yes, sir.

Senator ERVIN. Photographing them.

Do you have a copy of the memo from Bud Krogh—is that the nickname of Egil Krogh?

Mr. HUNT. Yes, sir.

Senator ERVIN. And David Young to Charles Colson in which they were also joining in the recommendation for a complete psychological assesment and evaluation of Ellsberg by the CIA?

Mr. HUNT. Under what date, Mr. Chairman?

Senator ERVIN. August 3, 1971.

Mr. HUNT. I have such a memorandum.

Senator ERVIN. So Mr. Colson did know about the operations being carried on by the Plumbers, did he not, back in July and August 1971?

Mr. HUNT. I would not, on the basis of this memorandum alone, Mr. Chairman, want to presume that Mr. Colson had comprehensive knowledge of everything the Plumbers were either doing or contemplating as of that date.

Senator ERVIN. Well, you did know as early as July 28 that you thought that they ought to have the files—obtain the files of Ellsberg's psychiatrist, Dr. Fielding?

Mr. HUNT. Obtain access to them.

Senator ERVIN. Did you ever talk to Colson about this matter?

Mr. HUNT. I recall no further conversation with Mr. Colson other than the memorandum of suggestion to him which was responsive to a suggestion which he made to me.

Senator ERVIN. Now, did you make a report to John Ehrlichman about the surreptitious entry into the psychiatrist's office?

Mr. HUNT. No, sir.

Senator ERVIN. He testified before this committee that after it was done, you made a report.

Mr. HUNT. Mr. Chairman, if I may clarify.

Senator ERVIN. I wish you would. It is confusing.

Mr. HUNT. Following the surreptitious entry into Dr. Fielding's office, Mr. Liddy and I compiled a very brief report which we presented to Mr. Krogh. Whether it went to Mr. Ehrlichman is another matter.

Senator ERVIN. You do not know about it?

Mr. HUNT. I have no personal knowledge of that.

Senator ERVIN. Now, you spoke about Mr. Bittman telling you that he had received a telephonic communication which was followed by the deposit of \$75,000 in an envelope for you, I believe at his home. Did he tell you who he received the telephone call from?

Mr. HUNT. Are you referring to Mr. Bittman, sir?

Senator ERVIN. Yes.

Mr. HUNT. No, he did not.

Senator ERVIN. Did you have any knowledge of the source of that \$75,000?

Mr. HUNT. No, sir.

Senator ERVIN. I understood you to state that you had been promised on or about June 21, 1972, that you would have money furnished to you for your support and also for counsel fees, that you were given assurances to that effect at that time; is that correct?

Mr. HUNT. Yes, sir.

Senator ERVIN. Who gave those assurances?

Mr. HUNT. Mr. Gordon Liddy.

Senator ERVIN. My 10 minutes are up.

Senator Baker.

Senator BAKER. Mr. Chairman, thank you very much. I am sure I can finish the line of questioning I have in mind in about 10 minutes and we will be able to proceed to finish possibly this afternoon's inquiry fairly early today. I understand that is the wish of the counsel and of the witness.

Mr. Hunt, you have already testified about how you were employed as a White House consultant and I won't extend our conversation about that much further except to say that you were employed first by Mr. Colson. I believe you and Mr. Colson had been associated in or had been together in the Alumni Association of Brown University, that you were both alumnae of Brown?

Mr. HUNT. Yes, sir.

Senator BAKER. And that Mr. Colson was aware of your previous history and background with the CIA and its predecessor?

Mr. HUNT. Yes, sir.

Senator BAKER. Would you briefly tell us of your CIA and intelligence background, or if you want me to, I can briefly read the résumé the staff has supplied me and you correct me. Would you prefer that I do it that way?

Mr. HUNT. I prefer that you do it, sir.

Senator BAKER. The information we have is that you graduated from Brown in 1940 and entered the Navy. You were discharged after being injured in an accident at sea. In 1942-1943, you were an editor for the March of Time and a war correspondent for Life magazine.

From 1943 to 1946, you worked with the Office of Strategic Services, using the Army Air Force as a cover. You trained people in clandestine intelligence work in Orlando, Fla. Then you were assigned to work with Chinese guerilla bands behind the Japanese lines.

You were based for a while in Kunming in southern China and your OSS unit won a Presidential citation.

In 1946, you obtained a Guggenheim fellowship and spent a year in Mexico reading, learning Spanish and writing, and for 2 years, you were a movie scriptwriter.

The CIA was created in 1947 and in early 1949, you joined that agency. After a short period at Washington headquarters, you were sent to Paris as an attaché at the American Embassy.

During 1949 and 1950, you were in Vienna, Austria. From 1950 to 1953, you were in Mexico City and from 1953 to 1956, your cover position was that of political adviser to the Defense Department in Latin America, Japan, Spain, and several European countries. During this period, you were actively involved in the overthrow of the Guatemalan regime.

From 1957 to 1960, you were CIA station chief in Montevideo, where your cover was first secretary at the American consul. When the CIA sought to reassign you from that position, there was a good bit of dispute over whether you should or should not be reassigned and there were rumors that President Benito Nardone, the President of Uruguay, was asked to intervene in your behalf to keep the station there.

At any point of this summary, which is a staff summary, if you have any reason to disagree, feel free to do so.

Your cover was as consultant for Department of Defense from 1960-65. In April 1960, you were ordered back to Washington from Uruguay to participate in preparations for the Cuban invasion. You resigned from the Foreign Service in 1960 for purposes of obtaining a more effective cover, moved to Mexico, and then to Miami, posing as a writer who suddenly comes into an inheritance.

For the next 19 months, your alias was Edwardo; you acted as the CIA's representative to the Cuban Revolutionary Council, the prospective post-Castro government in whose name the invasion brigade was being trained in Guatemala. You resigned your job when certain disputes arose after you were assigned with certain people to the Provisional Government of Cuba and went to Miami to serve with the Cuban Council.

After the invasion of Cuba failed, you served as personal assistant to CIA Director, Allen W. Dulles. Your subsequent activities are not entirely known.

In 1963, the American Ambassador in Madrid refused to accept you as deputy chief of the local CIA station. However, you were in Madrid on unknown business from 1965 to 1966. According to information staff supplies, the 1966 to 1967 edition of Who's Who listed you as a retired Government official living in Madrid.

You returned to Washington in 1968, purchased a home in Potomac, Md., and retired from the CIA on April 30, 1970.

From 1970 to 1971, you were vice president of the Robert R. Mullen & Co., where you continued to work until you became a White House consultant in July 1971 until your dismissal on July 2, 1972.

Is that a fair sketch of your activities or your career?

Mr. HUNT. Reasonably fair, yes, sir.

Senator BAKER. Was Colson aware of this rather extensive intelligence—OSS, Bay of Pigs and CIA involvement?

Mr. HUNT. Yes, sir.

Senator BAKER. Did you discuss that as a precondition of your employment?

Mr. HUNT. I had discussed it with him over a period of years.

Senator BAKER. At the time you went to work with Mullen & Co., were you aware of or is it a fact that Mullen & Co. had ever been cooperative with or had any connection with the CIA?

Mr. HUNT. Yes, sir.

Senator BAKER. Were you aware of that?

Mr. HUNT. Yes, sir.

Senator BAKER. After you became a consultant at the White House, did you contact the CIA about your new position?

Mr. HUNT. I certainly let former associates know of my new White House connections; yes, sir.

Senator BAKER. Who? Did you talk to General Cushman?

Mr. HUNT. General Cushman in a different context, sir.

Senator BAKER. Had you served with General Cushman in the OSS or CIA? For instance, did you ever share an office with him?

Mr. HUNT. We had back in the fifties at the CIA headquarters in Washington.

Senator BAKER. Did you talk on a number of occasions to CIA officials about your duties and responsibilities to the White House during your tenure as a consultant there?

Mr. HUNT. No, sir.

Senator BAKER. On more than one occasion?

Mr. HUNT. Yes, sir.

Senator BAKER. On how many occasions?

Mr. HUNT. Well, including the staff people, I would say half a dozen.

Senator BAKER. Could you name them?

Mr. HUNT. I would say a half dozen occasions.

Senator BAKER. All right.

Could you name the people you talked to?

Mr. HUNT. Dr. Bernard Molloy of the Medical Office.

Senator BAKER. Was that in conjunction with the Ellsberg profile?

Mr. HUNT. Yes, sir.

Senator BAKER. Go ahead.

Mr. HUNT. I may have spoken in the same connection with Mr. Howard Osborne, Director of Security.

Senator BAKER. What was that in connection with?

Mr. HUNT. Also the Ellsberg profile.

I spoke to Mr. John Caswell in connection with a refreshment of my memory concerning the French leak scandal that seemed to be a parallel with the Ellsberg affair.

I spoke with Director Helms' secretary about—

Senator BAKER. What was that about?

Mr. HUNT. Simply notifying her and asking her to pass along to Mr. Helms the fact that I now held a consultancy at the White House.

Senator BAKER. What support did you receive from the CIA?

Let me ask you this to begin with. Did you ever seek or were you ever given or have access to CIA personnel records for the sake of achieving your assignment at the White House?

Mr. HUNT. Not in the broader sense, Senator. I had asked the placement service to provide me with résumés of retirees who possessed certain limited qualifications.

Senator BAKER. What were those qualifications?

Mr. HUNT. They had to do with photography and surreptitious entry.

Senator BAKER. Did the agency from their employment office provide you with that information?

Mr. HUNT. Some information; yes, sir.

Senator BAKER. Did you use that as a basis for recruiting?

Mr. HUNT. As a basis for attempted recruiting.

Senator BAKER. But it was used for the purposes it was sought for, to get people who might be useful in this purpose?

Mr. HUNT. Exactly.

Senator BAKER. Did they also supply you with such things as wigs, with false identification papers, with cameras, with tape recording devices, with photographic processing and printing? Were these things all supplied to you by the agency?

Mr. HUNT. Yes, sir.

Senator BAKER. Did anyone ever protest that the agency ought not to be involved in this?

Mr. HUNT. Not in my hearing.

Senator BAKER. Did you ever discuss it with Director Cushman or Dr. Helms?

Mr. HUNT. No, sir.

Senator BAKER. Did any of those——

Mr. HUNT. I am sorry, I drew a false inference from your prior question.

Senator BAKER. Let me break it into two parts. Did you ever discuss with Director Helms your request for personnel information or logistical and technical support?

Mr. HUNT. No, sir.

Senator BAKER. Ever?

Mr. HUNT. Never.

Senator BAKER. Or with his secretary?

Mr. HUNT. No, sir.

Senator BAKER. Did you ever discuss it with General Cushman?

Mr. HUNT. Yes, sir.

Senator BAKER. Why did you not discuss it with Helms? He was the Director.

Mr. HUNT. I was directed to consult with General Cushman.

Senator BAKER. You were what?

Mr. HUNT. I was directed to consult with General Cushman.

Senator BAKER. By whom?

Mr. HUNT. This requires a little bit of telling, Senator Baker.

Senator BAKER. What, sir?

Mr. HUNT. I am sorry, Senator. This requires a little bit of telling, of explanation.

Senator BAKER. Oh, I see. Go ahead.

How much telling? How much time do I have left? I have 3 minutes.

Why not save that? I have a few other things I would like to get to.

There was a tape made of your conversation with General Cushman on one occasion and we have had a transcript of it. Have you seen that transcript?

Mr. HUNT. I have, sir.

Senator BAKER. You will notice, I am sure, from a reading of it that there are substantial portions of the transcript which are incomplete. Some of them are assigned to interference from aircraft noise. Can you help supply some of those omissions? Can you tell us what you talked about?

Mr. HUNT. No, sir.



Senator BAKER. Why can't you?

Mr. HUNT. I am unable to.

Senator BAKER. You are unable to because you don't know or unable to for some other reason?

Mr. HUNT. No, sir; unable to because I don't know.

Senator BAKER. And have no recollection?

Mr. HUNT. And have no recollection now.

Senator BAKER. You don't recall who told you to see Cushman instead of Helms?

Mr. HUNT. I received a call from General Cushman's personal assistant or his principal administrative assistant, Mr. Carl Wagner, on one occasion, shortly after I had had a conversation with Mr. Colson relevant to the acquisition of certain technical material. It was Mr. Wagner who told me that I should meet with General Cushman. I assumed this to be responsive to a call which General Cushman had received from some member of the White House staff.

Senator BAKER. But you don't know who?

Mr. HUNT. At the time, I did not know.

Senator BAKER. Do you know now?

Mr. HUNT. Yes, sir.

Senator BAKER. Who?

Mr. HUNT. John Ehrlichman.

Senator BAKER. Can you give us the date and the circumstances of that call?

Mr. HUNT. I don't believe I can, no, sir.

Senator BAKER. Have you seen the xeroxed copies of the photographs taken in Dr. Fielding's office that were supplied for this record?

Mr. HUNT. Taken in his office, sir?

Senator BAKER. Yes, sir, they were xeroxed copies of photographic prints that were taken in Dr. Fielding's office.

Mr. HUNT. I believe I have only seen xeroxed copies of photographs taken externally.

Senator BAKER. Have you seen any copies of photographs taken inside?

Mr. HUNT. I may have, sir, but I do not recall. I will be very happy to identify them.

Senator BAKER. This is what I want to find out. You delivered photographic film, or somebody delivered it for you, to CIA to be processed and printed, is that correct, sir?

Mr. HUNT. Yes, sir.

Senator BAKER. And they did process it and print it and gave you the prints and the negatives, I understand.

Mr. HUNT. They certainly gave me the prints. As to the negatives, I am not sure.

Senator BAKER. Do you know whether the CIA still has copies of those prints or the negatives?

Mr. HUNT. I have no idea.

Senator BAKER. Mr. Hunt, I am dealing now in language that I am not totally familiar with, but I am given to believe they are works of art or phrases of art in the intelligence community. Did you have a letter of instructions or its equivalent with respect to your general

operations in the intelligence field and with the Watergate and Fielding's situations particularly?

Mr. HUNT. No, sir.

Senator BAKER. Do you understand what I am speaking about?

Mr. HUNT. Yes, sir.

Senator BAKER. A letter of instructions means what in your terms?

Mr. HUNT. It is a brief.

Senator BAKER. It is instructions in writing on the general description of the job you are about to undertake?

Mr. HUNT. And an authorization.

Senator BAKER. And an authorization. Does it also include what to do in case you get caught?

Mr. HUNT. No, sir.

Senator BAKER. There was a conversation by General Cushman, I believe, about certain paraphernalia that was given to you and not used in the Ellsberg situation and we have had material described, which I will describe to you—different items of identification, tape recorder, cameras, and the like. If they were not used in Ellsberg what were they used for?

Mr. HUNT. I believe everything was used with the exception of the tape recorder.

Senator BAKER. Where was the tape recorder used?

Mr. HUNT. The tape recorder was used for the transcription of overt interviews.

Senator BAKER. Overt interviews of whom?

Mr. HUNT. In one case with Mr. Clifton De Motte.

Senator BAKER. Who is that?

Mr. HUNT. He is a Government employee, former Government employee, at least, who was a contact and former employee of Mr. Robert Bennett, my one-time employer.

Senator BAKER. Do you know anything about the Dahlberg checks and the Mexican money?

Mr. HUNT. May I inquire, sir?

Senator BAKER. Let me just ask you a specific question.

Do you know whether or not, from your experience with the CIA or other operations, Mr. Dahlberg was ever considered as a CIA contact?

Mr. HUNT. I have no knowledge of that; no, sir.

Senator BAKER. I am told, Mr. Chairman, that my time has expired. I thank you, Mr. Hunt.

Senator ERVIN. I have been requested by the witness and his counsel to recess at this time. Before we do, however, I would like to put in the record the memorandum of August 3, 1971, for Charles Colson from Bud Krogh and David Young. That will be appropriately numbered as an exhibit.

[The document referred to was marked exhibit No. 154.\*]

Senator ERVIN. The committee will stand in recess until 10 o'clock tomorrow.

[Whereupon, at 4:20 p.m., the committee recessed to reconvene at 10 a.m., Tuesday, September 25, 1973.]

\*See p. 3893.

**TUESDAY, SEPTEMBER 25, 1973**

**U.S. SENATE,  
SELECT COMMITTEE ON  
PRESIDENTIAL CAMPAIGN ACTIVITIES,  
*Washington, D.C.***

The Select Committee met, pursuant to recess, at 10:10 a.m., in room 318, Russell Senate Office Building, Senator Sam J. Ervin, Jr. (chairman), presiding.

Present: Senators Ervin, Talmadge, Inouye, Montoya, Baker, Gurney and Weicker.

Also present: Samuel Dash, chief counsel and staff director; Fred D. Thompson, minority counsel; Rufus L. Edmisten, deputy chief counsel; Arthur S. Miller, chief consultant; Jed Johnson, consultant; David M. Dorsen, James Hamilton, and Terry F. Lenzner, assistant chief counsels; Ronald D. Rotunda, and Barry Schochet, assistant majority counsels; Eugene Boyce, hearings record counsel; H. William Shure, and Robert Silverstein, assistant minority counsels; Pauline O. Dement, research assistant; Eiler Ravnholt, office of Senator Inouye; Bruce Jaques, Jr., office of Senator Montoya; Ron McMahan, assistant to Senator Baker; A. Searle Field, assistant to Senator Weicker; John Walz, publications clerk.

Senator ERVIN. I am going to request the photographers not to distract Mr. Hunt's attention by taking pictures while he is testifying.

Senator TALMADGE.

Senator TALMADGE. Mr. Hunt, I believe you are now under sentence to the Federal prison for some 30 years for your part in the breaking and entering of the Watergate complex, are you not?

**TESTIMONY OF E. HOWARD HUNT—Resumed**

Mr. HUNT. Yes, sir.

Senator TALMADGE. Also, you have been indicted for the breaking and entering of the offices of Dr. Fielding but have not yet been tried, is that correct?

Mr. SACHS. May I interrupt, Senator, I am sorry. As I reflected on the hearing yesterday, I am afraid that I have—I may have left an inaccurate impression about the sentence. I do not have the statute with me this morning but my recollection of it is that it is by virtue of the statute that the sentence of 30 years was imposed not by virtue of the judge's saying "I sentence you to 30 years."

Senator TALMADGE. Provisional sentence subject to change, as I recall.

Mr. SACHS. That is right. But I think that the maximum is imposed by the statute when that provisional statute is used. The fact remains that he is, that everything we said yesterday about the sentence he is facing is accurate but it is not because the judge said "I sentence you to 30 years."

Senator TALMADGE. The statement the attorney has made is also my understanding in the situation. You also have been indicted, I believe, in the breaking and entering of the office of Dr. Fielding and have not yet been tried, is that correct, a correct statement?

Mr. HUNT. That is not correct, Senator.

Senator TALMADGE. You have not been indicted?

Mr. HUNT. I have not been indicted. I testified both before the Federal grand jury and the Los Angeles grand jury under a grant of immunity.

Senator TALMADGE. Does it not strike you as a strange commentary of justice that you who were relatively low on the totem pole here to be sentenced to 30 years in prison and those that planned, organized, and directed this clandestine organization could be walking the streets free today?

Mr. HUNT. Yes, sir.

Senator TALMADGE. I may say it does me also.

Now, you related yesterday about the fabrication of cables from this country to Saigon, relating to the Diem government. Could you state who directed you to go to the State Department and look at those cables?

Mr. HUNT. It was my suggestion initially. I was authorized to do so by the State Department itself at the request of Mr. David Young.

Senator TALMADGE. Mr. Young contacted the State Department and the State Department authorized you to go over and look at cables between the Government of the United States and various officials in Saigon, is that an accurate statement?

Mr. HUNT. Yes, sir.

Senator TALMADGE. Were those cables labeled top secret?

Mr. HUNT. Some of them are.

Senator TALMADGE. And some were not?

Mr. HUNT. Yes, sir.

Senator TALMADGE. An ordinary American citizen did not have an opportunity to look at those cables, did he?

Mr. HUNT. No, sir.

Senator TALMADGE. In fact, he would have to have a higher clearance for top secret matters in the Government in order to see them, would he not?

Mr. HUNT. Yes, he would.

Senator TALMADGE. Do you think Mr. David Young of his own accord could obtain that top clearance from the State Department for you?

Mr. HUNT. Senator, it was my understanding that shortly prior to my joining the White House staff I was the subject of a full field inquiry and clearance by the FBI. At the same time I understood that because I had been out of CIA only a relatively short period of time that all of the top level clearances that I had held at CIA had been reinstated.

Senator TALMADGE. Even under those conditions, assuming someone was cleared for top secrecy matters in the Pentagon they could not go to the State Department and look through top secret papers there, could they?

Mr. HUNT. Not without the permission of the Department of State. Senator TALMADGE. That would be my understanding.

Now, you got there and you found that you thought some of those cables needed beefing up a little to implicate the Kennedy administration; is that what you recited?

Mr. HUNT. In effect, Senator, yes.

Senator TALMADGE. Now, what did you finally do? You got there and you fabricated some cables, what was the nature of the fabricated cables and what did they say?

Mr. HUNT. Of course, Senator, I do not have the cables available to me—

Senator TALMADGE. I do not expect you to relate it word for word but, the general tenor.

Mr. HUNT. As I recall it, one, the text of one cable which I fabricated was a query or an inquiry from the Saigon Embassy, which Ambassador Lodge then headed, postulating a course of action such as granting political asylum to Diem and to his brother-in-law in the event that they should seek asylum, and the second cable that I fabricated was an alleged response from the White House to that inquiry.

Senator TALMADGE. What was the reason?

Mr. HUNT. It was a negative response.

Senator TALMADGE. In other words, it was alleged to be President Kennedy speaking for this Government that political asylum would not be granted; is that it?

Mr. HUNT. Yes, sir.

Senator TALMADGE. Now were there any other cables fabricated?

Mr. HUNT. No, sir.

Senator TALMADGE. How did that relate to the implication of President Kennedy and the assassination of President Diem?

Mr. HUNT. The mere withholding of asylum would have resulted in the deaths of the two men who sought it, should they have sought it.

Senator TALMADGE. In other words, this was the only way out of assassination, as you saw it?

Mr. HUNT. Yes, sir.

Senator TALMADGE. And the object of that fabrication was to alienate the Catholic vote in the Presidential election of 1972.

Mr. HUNT. That would have been a part of the thrust of the cable; yes, sir.

Senator TALMADGE. Who worked with you and directed your efforts in that fabrication?

Mr. HUNT. I was directed solely by Mr. Charles Colson. No one worked with me.

Senator TALMADGE. Mr. Colson authorized, directed it and condoned it, is that your testimony?

Mr. HUNT. Yes, sir.

Senator TALMADGE. And also sought to get wide dissemination in the press relating to those fabricated cables, is that correct?

Mr. HUNT. Through Mr. William Lambert of Life magazine.

Senator TALMADGE. Now you put these cables, I believe, the fabricated cables in your safe in the White House?

Mr. HUNT. Yes, sir.

Senator TALMADGE. And left them there and those cables ultimately were turned over by Mr. Dean and others in the White House to Mr. Gordon Gray who ultimately burned them at his country residence, is that correct?

Mr. HUNT. So it's been alleged, yes, sir.

Senator ERVIN. That is Patrick Gray.

Senator TALMADGE. Patrick Gray, I stand corrected.

Senator ERVIN. My fellow North Carolinian.

Senator TALMADGE. Did you participate with Mr. Liddy in drawing up the Gemstone plan?

Mr. HUNT. I did.

Senator TALMADGE. Did you participate in the presentation of that plan to Mr. Mitchell, Mr. Dean, and Mr. Magruder?

Mr. HUNT. No, sir.

Senator TALMADGE. Now they first turned that plan down, as I recall, because it was too expensive, is that what was reported to you by Mr. Liddy?

Mr. HUNT. Yes, Senator.

Senator TALMADGE. They did not state they turned it down because of the nature of the plan, is that a correct statement?

Mr. HUNT. That is a correct statement.

Senator TALMADGE. Who authorized the breaking and entering into the Watergate complex?

Mr. HUNT. Mr. Liddy told me that his superiors had ordered it.

Senator TALMADGE. You didn't think Mr. Liddy organized it on his own, did you?

Mr. HUNT. Under no circumstances.

Senator TALMADGE. You wouldn't have participated in it had you thought it was a solo flight on the part of Liddy and no one else, would you?

Mr. HUNT. No, sir.

Senator TALMADGE. Now, you have mentioned that you operated in a number of areas and projects with Mr. Colson.

Would you relate exactly what they were? I believe one was the Fielding break-in, his office, is that a correct statement?

Mr. HUNT. May I consult with counsel, sir?

Senator TALMADGE. Certainly.

Mr. HUNT [consulting with counsel]. Senator Talmadge, could I solicit your indulgence in the repetition of that question?

Senator TALMADGE. You stated that you participated and were directed with Mr. Colson, counsel for the President in the White House, in a number of clandestine operations. I wanted to find out exactly what those were and I hope to enumerate them, some of them, and get your assent on whether or not that is an accurate statement. Was one of them the breaking and entering of Dr. Fielding's office?

Mr. HUNT. At the time of the break-in of Dr. Fielding's office, Senator, I was not aware of the extent of Mr. Colson's participation as I have subsequently come to understand it. Certainly my compilation of Mr. Leonard Boudin's legal history, let me put it, and providing that to Mr. Colson for the use by a member of the local press was one of the activities in which I engaged. I interviewed Mr. Clifton De Motte of Providence, R.I., at Mr. Colson's behest. I also interviewed former and retired General Paul Harkins at Mr. Colson's request.

Senator TALMADGE. The Diem cables?

Mr. HUNT. The Diem cables; yes, sir.

Senator TALMADGE. About the Dita Beard visit.

Mr. HUNT. Yes, sir; I visited and elicited information from Mrs. Dita Beard at his request.

Senator TALMADGE. Did he suggest to you that you go break in Bremer's apartment after George Wallace was shot down in Maryland?

Mr. HUNT. He suggested that I review the contents of Mr. Bremer's apartment.

Senator TALMADGE. And you declined to do that?

Mr. HUNT. I argued against it, I subsequently received word from him or from his secretary, I can't recall which, that this was no longer required.

Senator TALMADGE. Did he participate in your visit to California to see a security officer from the Hughes Tool Co.?

Mr. HUNT. No, sir.

Senator TALMADGE. He did not. Did he participate in your visit to survey the newspaperman at Las Vegas with a view of breaking and entering there?

Mr. HUNT. No, sir.

Senator TALMADGE. He did not.

Did he participate in organizing the efforts of spying and eavesdropping and electronic surveillance of the Democratic National Convention in Miami?

Mr. HUNT. Not to my knowledge.

Senator TALMADGE. He did not, to your knowledge.

About photographing the papers of the Muskie headquarters?

Mr. HUNT. I have no knowledge that he was aware of that.

Senator TALMADGE. I believe my 10 minutes have expired, Mr. Chairman, and I yield at this time.

Senator ERVIN. You have 1 minute left.

Senator TALMADGE. I will use it then, if I may.

Why did they call you gentlemen the Plumbers?

Mr. HUNT. This was an appellation that was derived in a jocular way, I believe. I have understood—I have asked Mr. Liddy about that cognomen and he said that Mr. David Young had simply had the name, "The Plumbers," put on the door—this was the general maintenance area of the White House—in an effort to divert undue attention from the activities of the occupants of that room.

Senator TALMADGE. One thing I have not been able to understand about this extra-legal operation that was set up at the White House. I always thought that Mr. Hoover was one of the most dedicated public servants in the history of our country. I always thought the FBI was one of the most efficient organizations in the history of our Republic. Why was it necessary to set up an extra-legal operation of this type rather than rely on the FBI?

Mr. HUNT. I can answer that question, I believe, Senator, in two ways. First, I would not want to accept the premise that the operation that we had set up or that the President ordered was extra-legal. Passing beyond that, however, I had earlier in my White House incumbency, raised the question, I think as early as July 7, with Mr.

Charles Colson as to why certain items of physical disguise could not be provided me by the Bureau and at the same time, by the Secret Service. I was given to understand that that was because neither organization was sufficiently in the confidence of the administration to be entrusted with so sensitive a matter.

Second, as to the entry operations, for example, into the premises of Dr. Fielding, I was given to understand that during the years, the later years of Mr. J. Edgar Hoover's incumbency, the entry units that had been so much a part of FBI operations for, let us say, decades, had been allowed to wither on the vine and die, and that skilled and trained personnel were no longer available for that type of operation.

Senator TALMADGE. I yield, Mr. Chairman.

Senator ERVIN. Senator Gurney.

Senator GURNEY. Thank you, Mr. Chairman.

Mr. Hunt, let us go back to the Watergate break-in. There has been a good deal of speculation in many quarters as to whether or not this was a double agent action in that tapes were on the door and they seemed to be rather unnecessary, maybe even unwise. And you, yourself, of course, testified that the second break-in did not make a great deal of sense, and then after the tapes were discovered to have been removed, you thought it was certainly foolhardy to go ahead. Do you have any theories on whether there was a double agent here or not?

Mr. HUNT. The series of events of that night, taken in their totality, Senator Gurney, have suggested to me for many months that we might have been, as it were, trapped by information having been provided beforehand to local law enforcement authorities by a member of our unit.

Senator GURNEY. Who do you think that was?

Mr. HUNT. Well, I would have to—

Senator GURNEY. Or who it might have been?

Mr. HUNT. I would have to indicate that the most likely subject would be Mr. Alfred Baldwin.

Senator GURNEY. And why is that?

Mr. HUNT. First of all, he had been only recently hired by Mr. McCord on the basis of a want ad placed in a magazine—a help wanted ad. Nothing was known about—

Senator GURNEY. You mean to say that that actually was the method of his hiring for this very sensitive operation?

Mr. HUNT. I believe Mr. McCord has testified, Senator, that he read in a "Bureau", published by the FBI Bureau Association, that a particular individual's services were available. He got in touch with that gentleman, read his résumé, and hired him, not for the Watergate itself but rather for the personal protection of the Attorney General and/or Mrs. Martha Mitchell.

Senator GURNEY. Do you know whether he did any background checks on him or not?

Mr. HUNT. I do not know. I suspect that he did not.

Senator GURNEY. Go on with your reasoning why he might be the double agent, or a double agent?

Mr. HUNT. Yes, sir; because it developed subsequently that Mr. Baldwin had rather intimate ties to the Democratic Party in Connecticut.



Senator GURNEY. What were those ties?

Mr. HUNT. Without notes, I would have to suggest that he was the nephew of a judge, a Democratic judge; that he at least at one point in time represented himself as being a nephew of John Bailey, who had been previously or at one time was chairman of the Democratic Party of Connecticut. I understood that Mr. Baldwin—this is subsequent to the actual events—Mr. Baldwin had a girlfriend who worked at Democratic national headquarters. There was a question which has never been resolved, at least to my satisfaction, of the lingering presence in the general Watergate area of the D.C. Police Department's so-called Mod Squad, something like 2 hours after their normal course of duty would have expired, their immediate response to the scene of the Watergate, and the failure of Mr. Baldwin to alert not only our command post in room 14 in the hotel, but also the five men who were actually on the Democratic national headquarters premises on the sixth floor.

We knew that the Mod Squad were conducting a downward search beginning at the top floor and working down. This meant that a great many lights were going on and that there was visible activity, activity that could and should have been seen from across the street where Mr. Baldwin was positioned.

Sentor GURNEY. You mean activity long before, at least sometime before your actual discovery?

Mr. HUNT. Yes, sir. Here we have a darkened building, let us say, at around 2 o'clock in the morning. Abruptly, lights begin going on on the eighth floor, men must be able to be seen running through the eighth floor. Those lights go out, there is a repetition on the seventh floor, and on the sixth floor the same procedure begins. At this point, a rather casual inquiry comes over the walkie-talkie from Mr. Baldwin to the effect, are any of your men wearing hippy clothes?

The answer which Mr. Liddy gave him was, no, they are all in business suits. And approximately at this time, the arrests began taking place on the sixth floor, which were the premises of the Democratic national headquarters.

I would like to move now to the instructions which I gave Mr. Baldwin within a half hour of the appearance on the sixth floor of the Mod Squad, at which time I rushed into the—or at least moved with alacrity into the listening post on the sixth floor—on the seventh floor of the Howard Johnson Motel and told him to pack up and get moving, to load the van and to take it anywhere but Mr. McCord's home. Subsequently, I was to learn that Mr. Baldwin had done quite the opposite, that he in fact had driven the loaded van, the van loaded with all of Mr. McCord's electronic equipment and paraphernalia, directly to the McCord home in Rockville, Md., left it there, abandoned it, and taken off for Connecticut where he at once made contact with one or more prominent lawyers known for their affiliations with the Democratic Party.

Senator GURNEY. Do you have any other or concrete evidence that he might have been a double agent?

Mr. HUNT. I would offer this, Senator, for whatever it might be worth.

Senator GURNEY. I am sorry, I didn't hear that, Mr. Hunt.

Mr. HUNT. I said I would in conclusion offer this for whatever it might be worth, that at the time I first got in telephonic contact with Mr. McCord, which was in July and after Mr. McCord's release from jail, when I challenged Mr. McCord concerning Mr. Baldwin's conduct, Mr. McCord was very quick to defend his conduct. He indicated to me that Mr. Baldwin had behaved with perfect propriety, that in fact, Mr. McCord had come to Washington following a trip to Connecticut in which he had retained counsel and gone to the offices of the Committee for the Re-Election of the President, at which time he sought aid, comfort, and assistance and was rebuffed. Therefore, according to Mr. McCord, Mr. Baldwin was entirely justified in exposing the affair and dealing with the Los Angeles Times as he did.

Excuse me, I may have misspoken.

Senator, if I made the statement that McCord went to the headquarters of the Committee for the Re-Election of the President, I misspoke; I meant that Mr. Baldwin had gone to the headquarters of the Committee for the Re-Election of the President and was there rebuffed.

Senator GURNEY. Turning to another subject, Mr. Hunt, your testimony, of course, here yesterday and at least once today indicated that you didn't think you were doing anything illegal, but it had to do with national security.

Why did you plead guilty at the Watergate trial?

Mr. HUNT. May I consult with counsel?

Senator GURNEY. Yes.

Mr. HUNT. As I indicated in my opening statement, Senator Gurney, there was certainly substantial evidence against me that had been secured, I believe in an illegal way, from my White House safe. Certainly Mr. McCord's briefcase with all of its electronic paraphernalia was recovered from that. There was other extrinsic evidence which, presented by itself, suggested to me that the evidentiary picture against me was overwhelming. My wife had died less than a month before in a particularly tragic accident. The Government did not produce all of the evidence that might have been or could have been or would have been favorable to me.

Senator GURNEY. What was that evidence? That was a question I had here. What evidence would it have destroyed or withheld that would have helped your defense?

Mr. HUNT. Of course, Senator, at this late stage, I am unable to catalog in total fashion all of the evidentiary material that would have been useful to me. However, in an early motion for the suppression of evidence which was entered by my attorneys, we specified two notebooks which I believe would have, had they been produced, made it possible to prove a tainting of the evidentiary trail.

Senator GURNEY. But actually, the evidence that was destroyed, certainly the electronic evidence, would have been damaging to you. Its destruction or its nonavailability at the trial was a plus for your side, wasn't it?

Mr. HUNT. Excuse me, Senator.

Senator Gurney, I am not clear that I did indicate that electronic evidence was destroyed.

Senator GURNEY. Well, I thought there was some mention of that just a moment ago.

Mr. HUNT. I believe that, if I may suggest the following, that what I testified or what I meant to testify was the fact that Mr.—the finding in my rifled White House safe of Mr. McCord's briefcase, replete with electronic equipment, was material that certainly would be used against me. That material was not destroyed, that was produced.

Moreover, material that was not produced or destroyed or withheld at one point or another during the Government's proceedings against me was of such a nature that it would have certainly helped me——

Senator GURNEY. But could you give the committee an indication of what that evidence was?

Mr. HUNT. This would have been of a general nature, Senator, which would have indicated the names, the figures, and the positions of those who, in fact, had authorized the creation of the Gemstone plan.

Senator GURNEY. I see my time is up, but let me ask just one final question on this line of questioning. Were you ever promised Executive clemency by anyone and did that influence your plea of guilty?

Mr. HUNT. No, sir.

Senator GURNEY. Thank you, Mr. Chairman.

Senator ERVIN. Senator Inouye.

Senator INOUE. Thank you very much, Mr. Chairman.

Mr. Hunt, assuming that Mr. Baldwin was, in fact, a double agent, and further assuming that Mr. Baldwin did in fact advise the local police officials in advance of the break-in, did you consider that his actions were wrong or illegal in notifying the police of the burglary?

Mr. HUNT. I believe you are posing a legal hypothesis, Senator, which I would like to consult counsel on in the matter. [Conferring with counsel.] My assumption, of course, Senator Inouye, was that the project itself was legal. Now, Mr. Baldwin's actions in disclosing the project or setting up an entrapment really is another matter. That is a subjective matter. Certainly, it was a matter of the greatest disloyalty to his employer and to those of us who comprised the entry group. The courts have yet to decide the legality or nonlegality of the operation itself.

Senator INOUE. It is your contention that the break-in was a legal break-in because of national security?

Mr. HUNT. I believed, Senator, then and I believe now that it was a lawful activity.

Senator INOUE. This was part of the so-called Liddy plan?

Mr. HUNT. The Gemstone plan, yes, sir.

Senator INOUE. Which included renting a yacht and housing the yacht with call girls, is this legal also?

Mr. HUNT. We are getting a little far afield, Senator.

Senator INOUE. Was that not part of the plan, sir?

Mr. HUNT. It was not a part of the initial Gemstone plan; no, sir, Senator.

Senator INOUE. We were told this was part of the plan presented to Mr. Mitchell.

Mr. HUNT. I was not present at any such presentation.

Senator INOUE. Now, you indicated that the second break-in was necessary to locate evidence in the ledgers that would indicate that Mr. Castro would be contributing to the Democratic Party, is that correct?

Mr. HUNT. Yes, sir.

Senator INOUE. And furthermore, you suggested that there was a possibility that money from Hanoi was coming in?

Mr. HUNT. That was my speculation there because Mr. McGovern had said he would crawl to Hanoi if necessary; yes, sir.

Senator INOUE. Did not Mr. McGovern make that statement long after the break-in?

Mr. HUNT. I do not know, Senator.

Senator INOUE. After he became a candidate?

Mr. HUNT. No, sir. I think that, to the best of my recollection, he made it well before the break-in.

Senator INOUE. It might be well if you refreshed your memory, sir.

What sort of instructions did you give your photographer?

Mr. HUNT. To photograph anything, in effect, with a figure on it.

Senator INOUE. Did you expect the photographer to find somewhere in a ledger received from Fidel Castro a number of dollars? [Laughter.]

Mr. HUNT. By no means, Senator, I did not. I expected that a chronological list of contributions with their respective contributors would be listed. The operational procedure once we had these listings would be to have vetted out or to have investigated each contributor to determine whether the contributor was bona fide.

Senator INOUE. What is the national security involved in determining whether money did come from Cuba?

Mr. HUNT. I think two reasons, Senator. First of all, any such intervention would have been a violation of a United States law and, second, it would have represented an area of acute concern to national security authorities.

Senator INOUE. What did you intend to do with that information if you did find it?

Mr. HUNT. I beg your pardon?

Senator INOUE. What did you intend to do with that information if you were successful in finding that?

Mr. HUNT. The information would have been turned over to Mr. Liddy who, I assume, if you would like any further speculation on the subject, would have passed it through channels which eventually would have brought the resources of, let us say, the IRS and the FBI into play.

Senator INOUE. In yesterday's testimony, Mr. Hunt, I believe the word "seamy" was used four times in describing certain activities you had performed in behalf of the White House. Would you care to tell us what these activities were?

Mr. HUNT. There is nothing new in the activities that I have comprehended under the adjective "seamy." I believe that, for example, Mr. O'Brien, to whom I have used the term, was unwitting of the Ellsberg entry, for example, or by my visit to Dita Beard, my fabrication of the Vietnam cables, things of that nature.

Senator INOUE. Did you consider all of these activities to be legal, part of national security?

Mr. HUNT. I would like to draw a distinction, if I might, Senator, between those which were legal and those which might be conceived to be related to the national security.

Senator INOUE. Please do, sir.

Mr. HUNT. I would say that the Ellsberg entry was certainly involving the national security. The interview with Dita Beard was another matter and certainly the fabrication of the Vietnamese cables was again another matter not having to do with the national security. Nevertheless, I was acting on instructions of a senior White House official in each case.

Senator INOUE. With all of your experience in the CIA did you not once consider that all of your activities involved political espionage?

Mr. HUNT. At that juncture I did not, Senator. My awareness of the purely political espionage aspects of Gemstone or my perceptions, I should say, were made acute in connection with the proposed convention by the Democrats in Miami Beach, Fla. It was at that time when we began the groundwork for what was to become the massive large-scale intelligence collection program.

Senator INOUE. As of this moment you have testified as to your participation in several activities, and I note a string of coincidences, No. 1, the Fielding break-in was unsuccessful, the Democratic national headquarters Watergate was unsuccessful, your break-in at McGovern headquarters had to be aborted, the effort to pedal the forged cables was unsuccessful. Would you tell this committee of any successful endeavor on your part, sir? [Laughter.]

Mr. HUNT. I would characterize the Fielding entry as successful but unproductive, Senator. I would characterize first Watergate as successful in the technical sense but unproductive.

Senator INOUE. Where is the success, where was the success in the first Watergate break-in?

Mr. HUNT. In simply conducting the operation without detection. Photographs were taken, as the committee knows.

Senator INOUE. My final question, sir, since we have received testimony on the so-called Gemstone which I thought included the hiring of call girls and you indicated it was not so.

Mr. HUNT. I indicated I believe, Senator, if I might interrupt, that I was not aware that it formed a part of the original Gemstone concept. This was brought to my attention much later at a time when Mr. Liddy and I were looking for a line of sight listening post for Mr. McCord in front of the Fontainebleu Hotel. We had reported back that we had found a houseboat moored directly in front of the Fontainebleu Hotel. Subsequent to that Mr. Liddy told me that one of his superiors had suggested that the houseboat could be used as a rendezvous point and perhaps a place in which compromising photographs or tape recordings could be made.

Senator INOUE. Would you consider this to be part of national security?

Mr. HUNT. No, sir. I have not characterized it as such.

Senator INOUE. Thank you very much, sir.

Senator ERVIN. Senator Weicker.

Senator WEICKER. I would just like to touch on for a minute, Mr. Hunt, your comments on your double agent theory relative to Mr. Baldwin. You indicated that one of the bases for your theory would be Mr. Baldwin having an uncle who is a Democratic judge, is that correct?

Mr. HUNT. Sir?

Senator WEICKER. An uncle who is a Democratic judge.

Mr. HUNT. That was my understanding, yes, sir.

Senator WEICKER. Right. This would be Judge Raymond Baldwin?

Mr. HUNT. I don't know his name.

Senator WEICKER. Well, let me put it this way, so that the record is very clear, the only relative that Mr. Baldwin has, who is or has been a judge is former Chief Justice of the Supreme Court, State Supreme Court, in Connecticut who would be Raymond Baldwin who was also the Republican Senator from Connecticut, who was also the Republican Governor from Connecticut, and who is generally looked upon as Mr. Republican in the State of Connecticut.

You indicated also relative to Mr. Baldwin, that he had indicated he, Mr. Baldwin had indicated a relationship with John Bailey. Now of course did you know how he employed that reference to John Bailey? Saying that he was his nephew?

Mr. HUNT. I know that he qualified that. I was given to understand by Mr. McCord that at the time the floor plan of the Democratic national headquarters was being compiled Mr. Baldwin presented himself to the receptionist of the Democratic National Committee and said that he was a nephew of John Baldwin and given the red carpet treatment.

Senator WEICKER. John Bailey?

Mr. HUNT. John Bailey, yes, sir.

Senator WEICKER. So if in fact you were going to case the Democratic National Committee headquarters it would certainly be far more appropriate to identify yourself with John Bailey rather than Robert Dole or Clark MacGregor, wouldn't it?

Mr. HUNT. Yes, Senator.

Senator WEICKER. So that really doesn't form a valid basis for a double agent theory. It was specifically to gain entry into the Democratic National Committee headquarters to case the place, is that correct?

Mr. HUNT. Yes, sir.

Senator WEICKER. Then just one last thing: You indicated in the case of the Los Angeles Times and Mr. Baldwin talking to the Los Angeles Times, isn't it a fact that Mr. Baldwin had already told his story to the Federal Bureau of Investigation prior to the Los Angeles Times?

Mr. HUNT. That is my understanding.

Senator WEICKER. All right.

Now, I would like to, if I could—just one question that occurred to me yesterday before we get into the origins of your relationships with the Cubans. You indicated in your testimony yesterday contacts that you had with an individual whose code name was Fat Jack. And your meetings with this individual relative to his being a plant in the Muskie campaign for transmission of information from him to the Committee To Re-Elect, is that correct?

Mr. HUNT. Yes, sir. That Fat Jack was an agent with him.

Senator WEICKER. And you did transmit information from him to the Committee To Re-Elect, is that correct?

Mr. HUNT. To Mr. Liddy; yes, sir.

Senator WEICKER. To Mr. Liddy.

And on one occasion or maybe more that you also delivered money to this individual, is that correct?

Mr. HUNT. Yes, sir.

Senator WEICKER. You indicated at times that you couldn't recall who this person was, Fat Jack.

Have you been able to give any more thought to that matter?

Mr. HUNT. I have never known who it was, Senator.

Senator WEICKER. You do know who it is?

Mr. HUNT. I have never known. I have been shown a photograph of the member of the staff.

Senator WEICKER. Does the name John Buckley, does the name John Buckley, ring any bell?

Mr. HUNT. Of course it does.

Senator WEICKER. Why does it?

Mr. HUNT. It is the brother of William Buckley and the brother of James Buckley.

Senator WEICKER. No, not in that context. Aside from that context does the name John Buckley have any other connotation insofar as the acts—

Mr. HUNT. No, sir. I was anticipating you were going to tell me that photograph was of John Buckley, if that photograph is that of John Buckley, then I identify that as that of Fat Jack.

Senator WEICKER. I would like to present this photograph to you, Mr. Hunt, and ask you whether or not that is the individual that you knew as Fat Jack?

Mr. HUNT. It is.

Senator WEICKER. Well, that is the photograph of John Buckley. So that the record is absolutely clear considering various comments of one member of the family directed toward this Senator, I don't want to imply anything improper. This is not the John Buckley that is the brother of William Buckley or Senator James Buckley; is that correct?

Mr. HUNT. I am sure the family would appreciate that. [Laughter.]

Senator WEICKER. Now, I would like to, if I could, Mr. Hunt, get to the origins because it is a very important item.

Mr. HUNT. I beg your pardon, Senator?

Senator WEICKER. I would like to get to the origins of your relationship with the four Cuban-Americans; Mr. Barker, Mr. Gonzales, Mr. Martinez, and Mr. Sturgis. When did you first encounter Mr. Barker?

Mr. HUNT. In 1960.

Senator WEICKER. And this was on the occasion of the Bay of Pigs operation, is that correct?

Mr. HUNT. In preparation for that operation; yes, sir.

Senator WEICKER. Right. Did Mr. Barker consider you to be his superior?

Mr. HUNT. Yes, sir.

Senator WEICKER. Had you had any contact with the other gentlemen at that time?

Mr. HUNT. No.

Senator WEICKER. Was your contact relative to the Ellsberg matter and the two break-ins to the Democratic National Committee headquarters solely with Mr. Barker? Was he the individual, in other words, who you dealt with?

Mr. HUNT. Yes, sir.

Senator WEICKER. And did he have—

Mr. HUNT. Senator, excuse me. In so saying, I do not want to exclude conversations that I held collaterally with the other three gentlemen.

Senator WEICKER. I understand. But again, would it be fair to say, would it be fair to say that you dealt with him and he with you as your being his superior?

Mr. HUNT. Yes, sir.

Senator WEICKER. Did you indicate or were there any ways that you indicated to Mr. Barker that in fact, you were still operating in an official function?

Mr. HUNT. I will put it this way, if I might, Senator, and still be fully responsive to your question. Mr. Barker was well aware that I was an employee of the White House. I had addressed letters to him on the White House stationery. He had my White House telephone extension. He in fact had come to the White House as a friend on one occasion. By "White House," I am using the term loosely; I mean the old Executive Office Building. He called for me at the guard desk and I came down from my office and met him and we went to my home for lunch, so there could be no question in his mind that I was an employee of the White House.

Senator WEICKER. Did Mr. Barker receive any orders from the Committee To Re-Elect the President? Or did he receive orders from anyone—by that I mean did he receive orders from Mr. Liddy, did he receive orders from anyone at the Committee To Re-Elect the President, aside from yourself?

Mr. HUNT. Let me try to distinguish among those several possibilities, if I might, Senator. In connection with the protection of the lying in state of J. Edgar Hoover, Mr. Barker received orders from me which derived from Mr. Liddy; that is to say, Mr. Liddy asked me to have certain things done; I transmitted those orders to Mr. Barker. At that time, Mr. Liddy was a member of the Committee for the Re-Election of the President. Mr. Liddy, of course, also knew Mr. Barker, because we had all worked together during the Fielding entry the preceding year.

I know that Mr. Barker—rather, Mr. Liddy had established separate telephonic communications, even perhaps mail communications, with Mr. Barker on a variety of subjects, so that Mr. Barker did not deal exclusively with me on these matters.

Senator WEICKER. But insofar as the relationships are concerned, you have indicated he looked upon you as a superior. Did he look upon you as a superior for both the Ellsberg and the Democratic National Committee headquarters break-ins?

Mr. HUNT. Yes, sir.

Senator WEICKER. And did he have any reason in your mind—now, this is your judgment—to believe that he was working for anything other than an official of the U.S. Government?

Mr. HUNT. No, sir.

Senator WEICKER. How long do you feel that he was under this impression? Obviously, he was under it, I gather from your testimony, both through Ellsberg and through the Democratic National Committee break-ins. At what time do you believe he came to understand that he was not working for an official of the U.S. Government?



Mr. HUNT. Senator, of my own knowledge, I am not aware that Mr. Barker ever reached such a conclusion.

Senator WEICKER. So it might be possible even now that he thinks that?

Mr. HUNT. Yes, sir.

Senator WEICKER. At least, insofar as your relationships with Mr. Barker is concerned?

Mr. HUNT. Yes, sir.

Senator WEICKER. Do you recall telephoning Mr. Barker the day before the President's speech on the mining of Haiphong Harbor?

Mr. HUNT. I recall certainly telephoning him in that connection. I do not know if it would be the day before or the actual day, Senator. I do not have telephonic records available to me. In connection with that event, however, yes.

Senator WEICKER. Would you dispute—and let me rephrase that. In a conversation that I have had with Mr. Barker, he has indicated that he received such a telephone call from you the day before the President's speech. Would you dispute that?

Mr. HUNT. I would simply answer as before. I would have no basis for acceding to it or disputing it. I think the point that we are interested in here, if I may be so presumptuous, is whether in fact I did communicate with Mr. Barker relevant to that speech, and I did.

Senator WEICKER. And did you know the contents of the President's speech prior to the speech?

Mr. HUNT. Did I know what?

Senator WEICKER. The contents of the President's speech prior to his speech?

Mr. HUNT. No, sir.

Senator WEICKER. What did you request of Mr. Barker?

Mr. HUNT. To the best of my recollection, I requested that he attempt to have as many telegrams as possible sent to the White House, immediately following the President's speech, manifesting approval of the President's move.

Senator WEICKER. So are you saying that you asked this after the President's speech, then, that it is your recollection that you made this telephone call after the President spoke?

Mr. HUNT. No, sir; not at all.

Senator WEICKER. Well, then, what would be the basis for your asking for support of the President, if in fact, you said you didn't know in advance what that statement was going to be?

Mr. HUNT. I believe I am missing a point somewhere, Senator. May I consult with counsel?

Senator WEICKER. Sure.

Mr. SACHS. Senator Weicker, Mr. Chairman, for some reason, the question is not clear to Mr. Hunt. I think that it would be very helpful, Mr. Chairman, if we could have a 5-minute recess.

Senator ERVIN. Without objection, we will have a 5-minute recess.  
[Recess.]

Senator ERVIN. The committee will resume.

I do not believe the witness had answered the last question of Senator Weicker.

You might read the witness the last question put to him.

[The reporter read the question.]

Mr. HUNT. Mr. Chairman, Senator Weicker, I believe I owe you an apology. I appreciate the recess that was granted me.

There is a very easy and very ready answer to your question. I, however, for some reason, I have been informed that I seem to be running down a little. I want to be very cautious about that. However, I had perceived within your question perhaps some deeper meaning or deeper implication than I was able to infer. Let me attempt to respond to your question in these terms.

Having asked to engender support for the President's forthcoming Haiphong speech, the bombing or the—the Haiphong speech—and being in very general terms aware of it, though not having read it, I was prepared to seek such support from all sources available to me, including in particular, Mr. Barker, even though I did not know the verbatim text of the speech, nor did Mr. Barker.

Is that responsive to your question, Senator?

Senator WEICKER. Are you saying that you knew about the content of the speech in a general way, but not a specific way?

Mr. HUNT. Yes, sir.

Senator WEICKER. And this was transmitted, then, to Mr. Barker prior to the speech. Are you also saying that?

Mr. HUNT. I have no recollection of so doing. I may have done it as a matter of courtesy to Mr. Barker. On the other hand, I expected his cooperation regardless of the actual content of the speech.

Senator WEICKER. Well, who gave you the instructions to rally support for the President?

Mr. HUNT. Mr. G. Gordon Liddy.

Senator WEICKER. And who gave you the information as to the general nature of the speech?

Mr. HUNT. Mr. Liddy.

Senator WEICKER. And is it fair to assume that such occurrences as this on the part of Mr. Barker, this type of information—which, I might add, the U.S. Senate was not privy to—is it not fair to go ahead and assume that this, again, would add to the official image which you had in the eyes of Mr. Barker?

Mr. HUNT. I would certainly so assume.

Senator WEICKER. I understand my time is up, Mr. Chairman. I intend to continue this line of questioning when it comes around again.

Senator ERVIN. Senator Montoya.

Senator MONTOKA. Mr. Hunt, how do you differentiate between the Gemstone plan and the general intelligence-gathering plan?

Mr. HUNT. The acquisition of intelligence, Senator Montoya, was an initial part of the Gemstone plan.

Senator MONTOKA. Would you say that part of the Gemstone plan was also part of the general intelligence plan?

Mr. HUNT. I don't believe I understand the question, Senator.

Senator MONTOKA. Well, was the Watergate entry within the contemplation of the general intelligence plan, initially?

Mr. HUNT. I would have to answer in this fashion, Senator, that the capability, the maintenance of an entry-type operation, was comprehended within the original Gemstone plan.

Senator MONTROYA. In other words, you contemplated within that general intelligence plan to make entry into the different headquarters and to run some kind of surveillance on the headquarters of the different Democratic Presidential candidates?

Mr. HUNT. I would restrict it to a less broad concept, Senator Montoya, if I might.

Senator MONTROYA. All right, give me your restriction.

Mr. HUNT. I would say that first of all, we had provision under Gemstone for an entry team and that Mr. Liddy and Mr. McCord had worked out between themselves some details of an electronic-surveillance program.

Senator ERVIN. There is a Senate vote on. We will have to take a recess until we go to vote.

[Recess.]

Senator ERVIN. The committee and the audience, I hope, will come to order.

Senator, you can resume your interrogation.

Senator MONTROYA. Mr. Hunt, did you finish your answer to the last question?

Mr. HUNT. I do not believe I did, Senator Montoya. Could I impose upon you or the stenographer to reread the question so I can be sure I answered it in its entirety?

[The reporter read the portion requested.]

Mr. HUNT. Picking up at that point, I would say that as time went on, and the relative standings of the various potential Democratic contenders became more clear, it was quite obvious that the focus was going to be on Senator McGovern rather than on a broader range of Democratic hopefuls.

Senator MONTROYA. Do you recall that there was a contemplation within the Committee To Re-Elect the President to also enter the headquarters of Senator Muskie? Were you part of this contemplation?

Mr. HUNT. I was part of the group that implanted, within the Muskie headquarters, an informant. I learned subsequently, and some time after the date, that Messrs. Liddy and McCord had acquired a listening post, that is, physical facilities near the Muskie headquarters which might at some later date have been used for electronic surveillance.

Senator MONTROYA. Now, what was contemplated by the general intelligence plan in the blueprint which was prepared by you and Mr. Liddy for presentation to the Attorney General?

Mr. HUNT. There were three categories in the Gemstone plan, Senator. The first was electronic surveillance or electronic intelligence, which was prepared by Mr. Liddy with Mr. McCord's assistance. My input into the categories of intelligence acquisition and political action dealt principally with human resources, that is, the recruitment of individuals who would perform either in intelligence or political action categories.

Senator MONTROYA. Did the plan have the targets?

Mr. HUNT. The only target that comes to my mind at this moment, Senator, and again this is—this all happened some time ago, is the Democratic National Convention site in Miami, Fla., as well as the

hotels along the beach where the various candidates and their delegations might be staying.

Senator MONTROYA. Do you mean to tell me that you and Mr. Liddy had not discussed the Democratic National Committee and Mr. O'Brien?

Mr. HUNT. Not until April; no, sir.

Senator MONTROYA. Was the budget as presented to Mr. Mitchell covering the entire operation up to election day?

Mr. HUNT. May I attempt to restate your question? I believe you are asking me if the budgets covered the period through the 1972 election period.

Senator MONTROYA. Right.

Mr. HUNT. Yes, sir.

Senator MONTROYA. So, therefore, the budget, as presented, would cover the Watergate entry or any other espionage activity in which you were about to engage or which you were contemplating at the time?

Mr. HUNT. Yes, sir, which fell under those general categories which I described.

Senator MONTROYA. When you went to Mr. Colson at the White House and unfolded the Liddy-Hunt plan on gathering intelligence and asked him to see Mr. Liddy, did you explain this fully to him?

Mr. HUNT. Senator, I never did that.

Senator MONTROYA. How could he make a judgment to call Mr. Liddy and then make a recommendation to Mr. Magruder to approve the plan?

Mr. HUNT. Senator, I believe it might be helpful at this point for the committee and simply to clarify the record if I were to describe the circumstances under which I introduced Mr. Liddy and Mr. Colson for what I believe to be the first time. If I might seek your indulgence.

There came a time between the second turndown and the eventual approval of the overall Gemstone when I in effect persuaded myself that the plan having suffered two turndowns by Mr. Mitchell was not likely to be approved in the future.

Mr. Liddy came to me one afternoon when I was working in room 16, and Plumbers' office in the White House, and asked me if I could arrange an appointment for him with Mr. Colson. I said that I would; I would be glad to.

Mr. Liddy indicated to me that inasmuch as the Attorney General would sometime be leaving the White House to go over to the Committee for the Re-Election of the President, that he, Mr. Liddy, himself had already departed the White House for the precinct of CREP, and that he was known as a Mitchell man and that he sought in the future administration a rather substantial post, and that he did not want to lose, as he put it, his power base in the White House.

Senator MONTROYA. But you testified to that yesterday, Mr. Hunt, and I would prefer not to have you repeat your testimony of yesterday.

I am merely saying or asking you did you unfold any part of the plan or any details to Mr. Colson when you made the appointment for Mr. Liddy?

Mr. HUNT. No.

Senator MONTROYA. You just merely told him that there was an intelligence-gathering plan which Mr. Liddy wanted to discuss with you?

Mr. HUNT. I did not say that; no, sir.

Senator MONTROYA. What specifically did you say to Mr. Colson?

Mr. HUNT. I spoke with his secretary and requested an appointment with Mr. Colson for the purpose of introducing Mr. Liddy.

Senator MONTROYA. All right.

Now, in your opening statement here on page 5, you said:

This official misconduct deprived me of evidence which would have supported my position that (a) my participation in the Watergate was an activity authorized within the power of the President of the United States, and (b) if my participation was not so authorized, I justifiably believed that it was.

Now, was that your belief at the time that you went with these people to the Watergate?

Mr. HUNT. Yes, sir.

Senator MONTROYA. Then if that was your belief, Mr. Hunt, why did you, upon being discovered, scurry to Howard Johnson's to go into Mr. Baldwin's room, tell him to get the electronic equipment way out of there, put it in a van, hide the van. Why did you then scurry to the White House with the electronic equipment of Mr. McCord in a briefcase and then go to the safe, hide the briefcase, then go to Joan Hall, Mr. Colson's secretary, and tell her that that safe was "hot"?

Mr. HUNT. What I said—

Senator MONTROYA. If the operation was so legal?

Mr. HUNT. What I said to Mrs. Hall on Monday morning following the entry operation, Senator, was, "The safe is loaded."

Senator MONTROYA. Then, why would you have to spend, on an entry that was legal, \$156,000 for attorneys' fees?

Mr. HUNT. The moneys had been supplied me for that purpose, Senator.

Senator MONTROYA. Why did you plead guilty to an entry that you considered legal?

Mr. HUNT. Because of the fact that the Government's obstruction of justice and other really outrageous occurrences in its handling of my case had deprived me of my basic defenses.

Senator MONTROYA. Well, as a matter of fact, Mr. Hunt, all of the things that you did are very inconsistent with your stated belief that your entry was legal. Isn't that correct?

Mr. HUNT. No, sir.

Senator MONTROYA. Well, don't the facts bear that out?

Mr. HUNT. I do not so construe them.

Senator MONTROYA. Don't the postentry behavior, doesn't the post-entry behavior bear that out?

Mr. HUNT. No, sir, Senator. Would you permit me to interpret them as I saw them?

Senator MONTROYA. Yes.

Mr. HUNT. My postentry actions were simply an effort to limit the area of damage.

Senator MONTROYA. I believe my time has run out, Mr. Chairman.

Thank you, sir.

Senator ERVIN. Mr. Hunt, can you tell us exactly how much money was paid to your lawyer, Mr. Bittman, as counsel fees?

Mr. HUNT. \$156,000.

Senator ERVIN. And in addition to that, how much money did you or Mrs. Hunt receive for your support or for your bail?

Mr. HUNT. I don't know how much money Mrs. Hunt received.

Senator ERVIN. Well, you received \$50,000 in February, didn't you?

Mr. HUNT. Yes, sir.

Senator ERVIN. And you received \$75,000 on March 21?

Mr. HUNT. Yes, sir.

Senator ERVIN. And Mrs. Hunt, according to the records we have here, received a total of \$141,500 on September 19 and October 2, of which \$1,000 was used for your bail, and \$30,000 was used as an income replacement for you.

Mr. HUNT. I beg your pardon, Mr. Chairman. Are you asking me a question?

Senator ERVIN. Yes. Is that correct? Are these figures set out in the accounting which Mrs. Hunt made on September 19, 1972, for \$53,500 allegedly given her by Mr. Rivers, and for, on October 2, 1972, for \$88,000 received and \$91,000 disbursed correct?

Mr. HUNT. Senator, I have no way of knowing whether the figures are correct or not.

Senator ERVIN. Well, they show that \$1,000 out of the moneys covered by the September 19, 1972, accounting was used for bail.

Do you know whether \$1,000 was used to procure bail for you?

Mr. HUNT. It was and it is still in the possession of the Government.

Senator ERVIN. And the October 2 report says \$30,000 were used as income replacement for Mr. Hunt and Mrs. Hunt, do you know whether that item is correct?

Mr. HUNT. I don't know; no, sir.

Senator ERVIN. Well, did you receive \$30,000 about that time?

Mr. HUNT. Not to my knowledge.

Senator ERVIN. Mrs. Hunt, prior to her tragic death, was distributing funds to various persons involved in the case—the seven original defendants, wasn't she?

Mr. HUNT. Yes, sir.

Senator ERVIN. And she received those, do you know from what source?

Mr. HUNT. From a gentleman who described himself first as Mr. Rivers and then later on, I believe, on one or two occasions from an individual who telephonically described himself as a friend of Mr. Rivers.

Senator ERVIN. Now, Mr. McCord was security agent for the Committee To Re-Elect the President, was he not, at the time of the break-in?

Mr. HUNT. Yes, sir.

Senator ERVIN. And Mr. Liddy was the chief counsel for the Finance Committee To Re-Elect the President, was he not?

Mr. HUNT. Yes, sir.

Senator ERVIN. Now, you were still an employee of the White House, were you not, at those times?

Mr. HUNT. Yes, sir.

Senator ERVIN. Were you ever actually made an employee of either of the committees?

Mr. HUNT. I am sorry, Senator?

Senator ERVIN. Were you ever—was your employment ever transferred from the White House to either of the committees?

Mr. HUNT. No, sir.

Senator ERVIN. But you did go over and assist Mr. Liddy in his plans?

Mr. HUNT. Yes, sir.

Senator ERVIN. You said, as I understood you, that you had two notebooks that were in your safe in the Executive Office Building.

Mr. HUNT. Yes, sir.

Senator ERVIN. Have you ever seen those notebooks since the break-in?

Mr. HUNT. No, sir.

Senator ERVIN. What was in those notebooks?

Mr. HUNT. Excuse me, may I consult with counsel?

Senator ERVIN. Yes.

Mr. HUNT. I will attempt to describe each one in turn, Senator. There was a list-finder which I had maintained for a number of years during my CIA employment. That contained not only a number of—a large number of CIA names and telephone extensions, but also several names of Gemstone personnel. That was one item.

Another item was an address and telephone book which contained the names, addresses, pseudonyms, and phone numbers of every person that I dealt with in the Gemstone context.

Senator ERVIN. Now, I wish you would explain very briefly what the Gemstone project was.

Mr. HUNT. This was the project that Mr. Liddy approached me on in late November of 1971, telling me that it had been engendered by Attorney General Mitchell and he had first been approached about it by Mr. Jeb Stuart Magruder. At that time, he asked me if he could count upon the support of myself and the Miami gentlemen who had formerly been responsive to me and who had assisted me or had actually taken part in the Dr. Fielding's break-in in California.

Senator ERVIN. Now, did that Gemstone project contemplate the use of electronic surveillance to collect intelligence?

Mr. HUNT. It did.

Senator ERVIN. Did it contemplate the use of surreptitious entries to obtain intelligence?

Mr. HUNT. Yes, sir.

Senator ERVIN. Can you give us from memory the names of the people that you contacted in regard to the Gemstone operation, the names you had recorded in the notebook?

Mr. HUNT. I cannot give you a comprehensive list, Senator, but I will try to give you as many as recur to my memory. Of course, there were the four Miami men, Mr. Jack Bouman of Winterhaven, Fla.; Mr. Thomas Amato; Mr. Liddy's name and number were certainly there in a somewhat different context; the name of Mr. Ralph Winte was there. There were the names of certain individuals in the Miami area who Barker told me he proposed eventually to approach and may have approached at one time. I had General Cushman's name and

telephone extension in it. I had the names and telephone numbers of certain of the technical personnel at CIA who had assisted me in the past at the instance of the White House. I had numerous White House extensions, including those of the Plumbers; I had the unlisted "sterile" telephone that turned out to have been billed to Miss Chenow's address; persons I had met in various contexts in New York and the west coast whom I thought might be worth looking into as Gemstone developed and proliferated in its different aspects.

I would not, Mr. Chairman, at this point want to say that that was the totality of the inclusions, but that represents what I can reconstruct from my memory at this time.

Senator ERVIN. Now, do you have any information or, rather, any knowledge as to what became of that notebook?

Mr. HUNT. No, sir.

Senator ERVIN. But it was in your safe at the last time that you had access to your safe?

Mr. HUNT. Yes, sir.

Senator ERVIN. And you have never seen it since?

Mr. HUNT. No, sir.

Senator ERVIN. Now, you spoke of having the names of people at CIA that afforded you assistance at the request of the White House?

Mr. HUNT. Yes, sir.

Senator ERVIN. Who were they and what kind of assistance did they afford you?

Mr. HUNT. Well, I had the names of the technical personnel. They were in pseudonym or alias. I do not recall their names at this juncture. I simply had their CIA telephone extensions.

Senator ERVIN. Were they the ones that gave you, or rather, furnished you the wig and the other instruments in connection with the entry into Dr. Fielding's office?

Mr. HUNT. And the false documentation and so forth; yes, sir.

Senator ERVIN. And did you have any other parts that they assisted you in other than that?

Mr. HUNT. No, sir.

Senator ERVIN. Now, when Mr. Colson asked you to go to Denver to consult Dita Beard, what did he tell you that he wanted you to say to Dita Beard or ask Dita Beard?

Mr. HUNT. This was a very complicated mission, Mr. Chairman. I might say that I know that the special prosecutor has in his possession an eight-page memorandum which I drew up immediately following my return to Washington. According to the best evidence rule, I would hope that that would soon be in the possession of the committee, if it is not—because it does contain my reconstruction of the events immediately following their occurrences. However, my two basic instructions when I set out to elicit information from Mrs. Beard were to determine, (a) why she had left Washington, and (b) and in effect hidden herself out—hidden herself away—and (c) whether or not the famous or infamous memorandum concerning ITT was, according to the best of her knowledge, fraudulent.

There were many other items that I was charged with. Some of these were reduced to the form of an aide memoir, which I took out to Denver with me and interrogated her from.



Senator ERVIN. Did you disguise yourself in any way when you visited Mrs. Beard?

Mr. HUNT. Yes, sir.

Senator ERVIN. What name did you give her?

Mr. HUNT. I believe it was Warren, consistent with the documentation I was carrying at that time.

Senator ERVIN. Where did you get that documentation?

Mr. HUNT. From the CIA.

Senator ERVIN. So they did assist you on more than the Fielding case?

Mr. HUNT. Well, indirectly; yes, sir. But this documentation had been provided me approximately a year earlier.

Senator ERVIN. They gave you a false identification, didn't they, documents?

Mr. HUNT. Yes, sir. I have testified that they gave me false, alias documentation.

Senator ERVIN. Did you tell Mrs. Beard who you were representing when you saw her?

Mr. HUNT. The question came up during the course of one of our numerous dialogs that night. I simply confirmed what she had been given to understand by her daughter, that I represented high levels of the administration who were interested in her welfare.

Senator ERVIN. And you did actually represent the Special Counsel of the President, Charles W. Colson? You performed the mission at his instance, didn't you?

Mr. HUNT. At his initial request, sir, but I was referred by him to Mr. Wallace Johnson, who was the gentleman who actually dispatched me on the mission and prepared the aide memoir from which I talked subsequently to Mrs. Beard.

Senator ERVIN. Who was Mr. Johnson?

Mr. HUNT. Mr. Johnson was at that time, I believe, in the Office of Congressional Relations at the White House. I believe that he is today Assistant U.S. Attorney General.

Senator ERVIN. Now, I understood you to testify yesterday that you recently learned that Mr. Krogh, Egil Krogh, had received money to cover the expenses of the break-in of the Fielding office from Mr. Colson?

Mr. HUNT. Yes, Mr. Chairman.

Senator ERVIN. Now, when did you learn that? And how did you learn it?

Mr. HUNT. I learned it in connection with one of my interviews with the office of the special prosecutor or in connection with testimony I was given before the Watergate grand jury.

Senator ERVIN. Do you know where Mr. Colson received the money he gave Mr. Krogh?

Mr. HUNT. Not specifically.

Senator ERVIN. I want to take issue with you about this double agent business and the basis you rest it upon. You rest it largely to the fact that Mr. Baldwin was the nephew of a Democrat in Congress who happened to be a judge. I don't follow your logic. I used to be a judge in North Carolina and was put there, elected by the Democratic Party. I don't think that would justify any inference that any

of my nephews have such a duplicitous character that they would serve as double agents.

So, I just don't accept the validity of the inference you draw on that basis.

Mr. HUNT. Senator, if I might, I would put an addendum to my prior statement to Senator Weicker and say, present company excepted.

Senator ERVIN. Well, good, I thank you for that. But I don't believe it is a very good inference in the other case. I am not passing on the merits.

You don't know that Mr. Baldwin was what we call a double agent? You just draw some imagination and some surmises and some inferences to that effect, isn't that correct?

Mr. HUNT. Yes, sir.

Senator ERVIN. Senator Baker.

Senator BAKER. Mr. Chairman, I, too, do not pass on the merits of that, but I do not exclude that possibility, and I thank you, Mr. Hunt, for the additional information on the possible double agent theory. I expect we may hear more about that as time goes on.

The chairman has suggested a number of items in which the CIA was involved, wittingly or unwittingly, and much of my examination yesterday, Mr. Hunt, dealt with your CIA background and your CIA contacts and support. I would like to pursue that just for a few moments if I may, and then I understand from the chairman that we will shortly take our noontime recess so you will have a chance to rest a little.

After the Watergate break-in, when you went to California, where did you stay, Mr. Hunt?

Mr. HUNT. I stayed at the home of an attorney whose name is Morton B. Jackson.

Senator BAKER. Did Mr. Jackson have any contact with the CIA?

Mr. HUNT. At one time, he did.

Senator BAKER. What was his contact, do you know?

Mr. HUNT. He was an undercover agent in Southeast Asia for 2 or 3 years.

Senator BAKER. Why did you choose Mr. Jackson to stay with?

Mr. HUNT. He was the best friend I had at the farthest point I could conceive of from Washington, D.C.

[Laughter.]

Senator BAKER. Well, that is a nice balancing judgment.

I am not trying to suggest that there was any great conspiracy by the CIA or that there was direct involvement by the CIA. I am not trying to suggest anything. I am just trying to identify those CIA elements that appear. And they are rather considerable.

You start out with your own background. You start out with information from the personnel files of CIA to be used in screening people or finding people for your various undertakings. You got a red wig. You got camera equipment.

Mr. HUNT. Senator?

Senator BAKER. Yes, sir.

Mr. HUNT. If I may please interject. I believe even Director Helms has testified that it was a brown wig.

Senator BAKER. I have a great respect for Director Helms and if he says it was a brown wig, I believe him.

And you have identification papers; you have camera equipment; you have recording equipment; you have the processing of film; you have the making of prints; you have help in the assembling of the cables; you have your contact with General Cushman; you have Mr. Jackson, Mr. Morton Jackson, a former CIA agent whom you went to as your best friend farthest from Washington. The record is simply studded with that sort of thing.

Now, what I am really reaching for, Mr. Hunt, is a pretty important and crucial question, I judge. That is whether or not the CIA, wittingly or unwittingly, officially or unofficially, was in effect a support agency for your operation and others at the White House.

Do you care to characterize that it was or was not, under those circumstances, a support facility, in effect, for your operations?

Mr. HUNT. Well, under—certainly, the initial circumstances; yes, Senator.

Senator BAKER. Mr. Martinez was still on the payroll, I believe, as a consultant for the CIA.

Mr. HUNT. So I understand.

Senator BAKER. Were there other CIA involvements that I do not know about or I have not asked you about? Can you embellish that scenario any further?

Mr. HUNT. No, sir.

Senator BAKER. Would you if you could?

Mr. HUNT. Yes, sir.

Senator BAKER. I ask you if you had a letter of instruction on this project, which I understand to be a phrase of art in the intelligence community. Did the letter of instructions tell you what you should do if you got caught or did you have orders to that effect from anyone?

Mr. HUNT. No, sir, and by the way, a letter of instruction is only given by the Director to a chief of station, not to subordinate personnel.

Senator BAKER. But you understand that having been a chief of station?

Mr. HUNT. Yes, sir.

Senator BAKER. Did you have anything equivalent to a letter of instructions?

Mr. HUNT. No, sir.

Senator BAKER. Would you tell me if you did?

Mr. HUNT. Yes, sir.

Senator BAKER. Did Mr. Bittman tell you how he used that \$156,000, how he disbursed it?

Mr. HUNT. How he disbursed it? I am sorry, I perhaps misunderstood it.

Senator BAKER. Mr. Bittman, your attorney, did he disclose to you whether he kept the \$156,000 or whether he was a cutout, as I understand an additional phrase of art to be, to pass it on to other people?

Mr. HUNT. My understanding then and now, Senator, is that all of the funds went to his law firm. That they were retained.

Senator BAKER. Had you ever discussed with Bittman the CIA relationship or did he ever discuss with you that you construct a CIA defense, so-called?

Mr. HUNT. We discussed my involvement with the CIA and the coincidental fact that a great many other personalities in the Water-gate affair had been, at one point or another, been touched by the CIA in their lives. We did not discuss a so-called CIA defense as it has been described under prior testimony.

Senator BAKER. Why did you have General Cushman's name and telephone number of the CIA in your address book?

Mr. HUNT. Because it had been given to me on an earlier occasion when I sought technical support.

Senator BAKER. By whom?

Mr. HUNT. It had been given to me by his assistant, Mr. Wagner.

Senator BAKER. Carl Wagner?

Mr. HUNT. Yes, sir.

Senator BAKER. How many times altogether, Mr. Hunt, did you have contact with the CIA at whatever level about support for your several projects?

Mr. HUNT. I would put it at no more than four or five, excluding the psychiatric profiles. I would up that, I would say, possibly eight or nine.

Senator BAKER. CIA is by statute precluded from involvement in domestic affairs, and even in nondomestic activity within the confines of the United States according to one reading of the statute. Can you honestly say in view of all the things I have described to you that the CIA was not involved in domestic activities?

Mr. HUNT. No, sir, nor can I say that the CIA has ever stayed out of domestic activity.

Senator BAKER. Would you care to elaborate on that?

Mr. HUNT. Excuse me. I would like to consult counsel with regard to national security. [Laughter.]

Senator BAKER. Would you, please? It is an important point, really.

Senator ERVIN. Just a moment. I am going to request the audience to refrain from laughing or signifying any amusement or any approval or disapproval of anything that is said or done by anybody here.

Mr. HUNT. With your permission, I would like to consult counsel regarding certain national security aspects at least that might be involved in my reply.

Senator BAKER. All right.

[Conferring with counsel.]

Senator BAKER. Mr. Hunt, could I interrupt just for a moment. I understood you said you wanted to confer with your counsel on certain security aspects of the question that I put. To conserve time and to provide against embarrassment to you or breach of security considerations, may I withdraw that question on the assurance from you and your counsel that we might pursue that further in executive session?

Mr. HUNT. Yes, sir.

Senator BAKER. As we have done in other national security matters.

Could you, Mr. Hunt, suggest any way to this committee how we might legislate against future intervention by the CIA in domestic, especially political activity of this country?

Mr. HUNT. Senator Baker, I believe that legislation is already on the books. How it could be further and better legislated against, I would have no idea.

Senator BAKER. There are just one or two other questions in this respect, Mr. Hunt.

You mentioned that, I believe you mentioned—my notes indicate that you did, that your secretary, Mrs. Hall, is that her name?

Mr. HUNT. No, sir, that was Mr. Colson's secretary.

Senator BAKER. Mr. Colson's secretary, Mrs. Hall, did I understand you to say she had the combination to your safe?

Mr. HUNT. Yes, sir.

Senator BAKER. Well, if she had the combination to the safe, why was the safe drilled?

Mr. HUNT. I have often wondered.

Senator BAKER. What else was in that safe besides the two notebooks?

Mr. HUNT. Well, there were a great many items in there, Senator. There have been items which have been described in prior testimony as being political dynamite. These have certainly been—not been limited simply to the two folders, Vietnam cable exemplars, which Mr. Patrick Gray said he burned toward Christmastime or after Christmastime.

I am now getting into an area that touches upon my basic defense and with your permission I would like to consult with counsel.

Senator BAKER. Fine. Let's just skip over with Mr. Hunt.

Mr. HUNT. All right.

Senator BAKER. You have no idea what happened to those notebooks?

Mr. HUNT. No, sir.

Senator BAKER. You have given us a number of names and references to material in those notebooks. Can you give me any idea why those notebooks disappeared? What was in them that would cause them to be so sensitive if they were found or why they would be a candidate for destruction, if they were not destroyed?

Mr. HUNT. Certainly, Senator, they would provide a ready handbook by which any investigator with any resources at all could quickly determine the parameters of the Gemstone operation. And other operations in which I was involved, and contemplated.

Senator BAKER. The remainder of my 10 minutes won't let me go into what those parameters are, but I would like to pursue that further at another time and it may be you could discuss that with us in executive session or with an additional line of inquiry later. I have only one or two other questions, Mr. Hunt.

I noticed in a letter from you to Mr. Colson, dated December 31, 1972, one particular reference that caught my attention. In the further paragraph it says: "I understand you to say that you would be willing to see my attorney Bill Bittman at any time. After my wife's death I asked him to see you but his efforts were unavailing."

This is the part I would like to draw your attention to. "And though I believe I understand the delicacy of your overt position, I nevertheless feel myself even more isolated than before."

Does the use of that term "your overt position" imply that he also had a covert position?

Mr. HUNT. I was willing to assume that he had a covert position. He had certainly publicly disassociated himself from me, disavowed any

intimate knowledge of me and so forth. I was willing to grant him, if you will, the capacity for having a nonpublic position toward me and which would have been one of general friendship.

Senator BAKER. This was in December of 1972, and your testimony as I understand it, is that you first gained knowledge of Mr. Colson's knowledge or know of Gemstone or the other operations either in January or February of the following year.

Mr. HUNT. January, sir. The preceding year.

Senator BAKER. Of the preceding year, I am sorry. So the use of the term "overt position," the delicacy of your overt position takes on special importance. I take it then you simply surmised that Colson may have had a covert position as well as an overt activity in December 1972?

Mr. HUNT. Yes, sir.

Senator BAKER. Mr. Hunt, after the second Watergate entry and the arrest, did you contact anyone at the CIA?

Mr. HUNT. No; Senator.

Senator BAKER. Have you ever since June 17, 1972?

Mr. HUNT. Not to the best of my recollection; no, sir.

Senator BAKER. Do you know why Mr. McCord dispatched a series of letters to Director Helms and others at the CIA after that arrest, those letters appearing in our record as documentary evidence supplied by the Agency?

Mr. HUNT. No, sir. I had hoped that there would be some elucidation on that point. I have no personal knowledge of its rationale.

Senator BAKER. Do you know personally whether Mr. McCord had any relationship with the Agency at the time of the break-in and after?

Mr. HUNT. No, sir.

Senator BAKER. Thank you, Mr. Hunt.

Senator ERVIN. I am going to assume that all the members of the committee know how they are going to vote on the Trident issue and for that reason we can go ahead with our public hearings during the executive hearing on that matter. If anybody dissents from that viewpoint, I would be glad to hear it.

Senator BAKER. Mr. Chairman, I don't dissent from it. I think it is probably a fair statement of the situation. However, I may absent myself from the hearings in order to make a statement on that issue in the executive session so I would propose that the committee continue although I ask leave not to be here all the time.

Senator GURNEY. Mr. Chairman, I don't quarrel with the statement either although I would like to hear some of the debate in the executive session.

Senator ERVIN. If there is no objection, I will proceed to conduct the hearings.

Mr. DASH. Mr. Chairman, just before our recess Senator Weicker did show Mr. Hunt the photograph of Mr. Buckley, Mr. John Buckley who was identified as "Fat Jack" by Mr. Hunt, and I would like to have that entered in the record, identified as an exhibit, and admitted in evidence.

Senator ERVIN. It will be marked appropriately as an exhibit and be received as such.

[The document referred to was marked exhibit No. 155.\*]

Senator ERVIN. The committee will stand in recess until 2 o'clock.

[Whereupon, at 12:10 p.m., the committee recessed to reconvene at 2 p.m., the same day.]

### AFTERNOON SESSION, TUESDAY, SEPTEMBER 25, 1973

Senator ERVIN. The committee will come to order. Pursuant to Senate rules, the committee will admit in evidence as an exhibit an affidavit by Mr. terHorst at this point, and I will ask counsel to read it.

Mr. DASH. Mr. Chairman, Mr. terHorst from the Detroit News, whose name was mentioned yesterday in the testimony by Mr. Hunt, under our rules has submitted the following sworn affidavit and I would like to read it into the record.

I, Jerald F. terHorst, hereby swear and depose that:

Under questioning yesterday, September 24, by Mr. Dash, committee counsel, Mr. E. Howard Hunt acknowledged that he had prepared "a derogatory article on Mr. Leonard Boudin, Ellsberg's lawyer," which Mr. Charles Colson, then White House special counsel, intended to pass to a member of the press.

Under further questioning, Mr. Hunt testified that this derogatory material was used in an article, "authored by Mr. Jerry terHorst, who represents one of the Detroit newspapers in Washington. It formed the second half of a story that Mr. terHorst was publishing on Ellsberg and Ellsberg's defense."

That declaration by Mr. Hunt is untrue and is a slur upon my professional reputation and upon the Detroit News.

The information which Mr. Hunt says he wrote about Mr. Boudin was supplied to me in August 1971, as I recall. It was written in spy thriller style and was obviously intended to reflect adversely upon Mr. Boudin and thereby on Mr. Ellsberg for retaining him as his lawyer. I read it and filed it.

More than 5 months later, on January 30, 1972, The Detroit News published a story by me about the formation of the Ellsberg defense fund, in the process of which I interviewed two of Mr. Ellsberg's defenders, former New York Senator Charles Goodell and Mr. Boudin, among others. The information in my article came from them and public documents. It was in no way a derogatory story but I hope—and believe—it was an explanatory one about a very controversial matter—Dan Ellsberg's upcoming trial on the Pentagon Papers.

I categorically deny that the information gathered by Mr. Hunt, to quote him, "formed the second half of a story" that I was publishing on Ellsberg—as he testified before your committee.

I am enclosing, with this letter, copies of my story and the Boudin material which Hunt says he wrote, so that you and the other members of the committee may compare them. I am confident such a comparison will prove my point beyond any doubt.

Further, I am prepared to so testify under oath in open session before the Select Committee.

My reputation as an objective and fair reporter is my most precious possession. I cannot permit aspersions over national television to go unanswered, lest my silence be interpreted as assent.

In the interests of fair play, I appeal to you to allow me to set the record straight, in whatever fashion you deem appropriate, including the reading of this affidavit in open session of the committee.

Signed Jerald F. terHorst, District of Columbia, subscribed and sworn before a notary public, Bernard Morris.

[The affidavit referred to above was marked exhibit No. 156\*\*.]

Senator ERVIN. Before I call on Senator Talmadge to question the witness, Mr. Hunt, we will give you a chance now or any later time at your option, if you want to make any comments on the statement of Mr. terHorst.

\*See p. 3894.

\*\*See p. 3895.

Mr. HUNT. Thank you, Mr. Chairman.

Senator ERVIN. Senator Talmadge?

Senator TALMADGE. Mr. Hunt, I noticed that you and all of your associates in your clandestine operations usually dealt with each other under assumed names. Why was that?

Mr. HUNT. That is normal clandestine practice, Senator. It has to do both as to compartmentation of activities and to support the need-to-know basis.

Senator TALMADGE. It was to keep any one individual from knowing any more than he had to know to carry out his operation, is that the fact?

Mr. HUNT. Yes, sir.

Senator TALMADGE. Is that—do you acquire that in CIA training?

Mr. HUNT. And before that in OSS training, yes, sir.

Senator TALMADGE. Now, you had a good deal of dealing with a man by the name of Fat Jack, I believe he was commonly referred to, did you not?

Mr. HUNT. Yes, sir.

Senator TALMADGE. That is the gentleman that you identified from his photograph this morning as Mr. John Buckley, was it not?

Mr. HUNT. Yes, sir.

Senator TALMADGE. Did you know at that time that you were dealing with Fat Jack or Mr. John Buckley alias Fat Jack, that he was in fact the Director of the Office of Inspection for OEO?

Mr. HUNT. No, sir.

Senator TALMADGE. Did you know anything whatever about Fat Jack?

Mr. HUNT. Only that a telephone number which he supplied me on one occasion as an emergency means of contact was not a method by which I was able to reach him. That is to say, I dialed the number supplied by him, a female voice answered, I said "is Jack there?", and she said "Jack who?", and I hung up. That was the extent of my attempt to, as it were, to penetrate the number.

Senator TALMADGE. Did you call that number and did they identify themselves as a Federal agency?

Mr. HUNT. No, sir.

Senator TALMADGE. They did not?

Mr. HUNT. Not on the extension that was given to me.

Senator TALMADGE. Is that what is commonly referred to as a sterile telephone number that he gave you?

Mr. HUNT. I do not know, sir. He may have had a private line run in to his desk.

Senator TALMADGE. Who directed you to make contacts with Fat Jack?

Mr. HUNT. Mr. Gordon Liddy.

Senator TALMADGE. How many contacts did you have with Fat Jack?

Mr. HUNT. Approximately a dozen.

Senator TALMADGE. Where would you meet Fat Jack?

Mr. HUNT. For the most part by the Roger Smith Hotel in downtown Washington.

Senator TALMADGE. What was the nature of your relationship with Fat Jack, with Mr. Buckley, alias Fat Jack?



Mr. HUNT. There came a time when Mr. Liddy asked me, as an accommodation, to receive materials from a man who was supplying—who was supplying material that he received from a penetration of the Muskie headquarters, and inasmuch as my office was near at hand to both the White House and to the Committee for the Re-Election of the President, Mr. Liddy asked me if I would mind meeting this gentleman on occasion, that he had material, and I said that I would not at all mind, and so a mutual identification system was established for our first meeting. Material was turned over to me, and that process continued. We each, on the occasion of a meeting, would establish the location and probable time of the succeeding or ensuing meeting.

Senator TALMADGE. Let me see if I understand your testimony: Mr. Buckley delivered to you stolen materials from the Muskie headquarters, is that correct?

Mr. HUNT. Photographically stolen.

Senator TALMADGE. Photographically stolen materials from the Muskie headquarters, and he did that on how many occasions?

Mr. HUNT. Approximately 12.

Senator TALMADGE. Did you pay him any money for the delivery of these materials?

Mr. HUNT. I paid him moneys that I believed to be representative of the charges for the actual development and printing of the films.

Senator TALMADGE. Did you pay that money by check or in cash?

Mr. HUNT. No, sir; it was provided to me in an envelope in cash furnished me by Mr. Liddy.

Senator TALMADGE. Plain envelope?

Mr. HUNT. Yes, sir.

Senator TALMADGE. Do you know what sums of money were in that plain envelope?

Mr. HUNT. I only had one occasion, Senator Talmadge. I only inspected the contents of Fat Jack's envelope because he had told me that there was a bill inside. At the time that I turned the photographic enlargements over to Mr. Liddy I remarked to him there was also a bill for photographic services. And that Mr.—that Fat Jack had asked to be reimbursed at our next meeting which was to come up in the next number of days and that was the one time that I knew the exact sum of money that was to be turned over.

Senator TALMADGE. What did you do with the materials that Mr. Buckley turned over to you?

Mr. HUNT. I turned them over to Mr. Liddy.

Senator TALMADGE. And that relationship continued until when?

Mr. HUNT. I would say, Senator Talmadge, without having reference to any materials that might more appropriately focus my mind, to mid-April, 19—

Senator TALMADGE. At that time it was the consensus of opinion of Mr. Liddy and yourself, and others directing the operation that Senator Muskie was no longer a viable candidate for the Presidency?

Mr. HUNT. Well, I levied personally no such sort of value judgment. However, the difficulty seemed to be that Mr. Liddy's superiors wanted Fat Jack's agent to transfer to the McGovern campaign just as my agent, Mr. Thomas Gregory, had transferred on the McGovern campaign. I understood the difficulty was that Fat Jack's agent could not find an opening within the McGovern campaign where he would

have access of the sort that he previously had with reference to Muskie headquarters.

Senator TALMADGE. Was that the first time you ever had any relationship with Mr. Buckley?

Mr. HUNT. Yes, sir.

Senator TALMADGE. Have you had any relationship with him since that time?

Mr. HUNT. No, sir.

Senator TALMADGE. I call your attention to page 4 of your statement that you read yesterday, paragraph 2, and I quote:

Following indictment and prior to my guilty plea the court ordered the government to produce all material taken from my White House safe and other evidence. Some material was produced but significant material was withheld or destroyed.

What material was withheld or destroyed?

Mr. HUNT. Senator Talmadge, inasmuch as this relates to a certain motion I have made recently before the court I request——

Senator TALMADGE. Since it does have relationship to your pending indictment or a possible future indictment I shall not press it. I certainly respect your right to plead any constitutional privilege you may have, and I will not press it under those conditions if you desire not to answer.

Mr. HUNT. No, sir.

Senator TALMADGE. Does counsel want to be heard?

Mr. HUNT. No, sir; that is not the context. [Conferring with counsel.]

There came a time last fall, Senator Talmadge, when the Government made what is called, I believe, a discovery of evidence that was held against me and which they intended to introduce against me. At that time, I noted that the two notebooks which we discussed prior to the luncheon recess were not among the materials missing. I considered them highly significant in terms of a possible defense on my part—they were among the items missing, they were not present.

Senator TALMADGE. Do you know what happened to them?

Mr. HUNT. No, sir; I do not.

Senator TALMADGE. Now, I believe Mr. Bittman no longer represents you. Would you care to let the committee know why?

Mr. HUNT. I have not completed my reply, Senator.

Senator TALMADGE. All right, you may complete it.

Mr. HUNT. With your permission.

Senator TALMADGE. Sure.

Mr. HUNT. Certainly before this committee the then Acting Director of the FBI has testified that he destroyed, that he for a time withheld, certain documents that had been taken from my safe. He alleged that he destroyed them by burning at a later date. Certain documents have been brought to my attention either by this committee, its staff, and in conjunction with the grand jury proceedings which lead me to believe that the Government had, in fact, retained, and it had within its possession for a substantial period of time, materials which could have been useful to my defense. I am also aware of other materials that could have been useful in my defense that were not among the materials shown me at the time that discovery took place.

Senator TALMADGE. Are you receiving any family support from any source now except your retirement benefits?

Mr. HUNT. No, sir.

Senator TALMADGE. You are not.

Now, there is one final question I would like to ask you. I am impressed with your background, you have served in the U.S. Navy honorably, you are a graduate of one of the better colleges in the United States of America. You served your country honorably in the Office of Strategic Services during World War II, you had an outstanding career in the CIA in which you were commended twice.

Why on earth after a record of that type would you get involved in clandestine activities and commit a series of felonies?

Mr. HUNT. I would have to answer, Senator Talmadge, in two parts: First, I became engaged because I believed that the activities that were proposed to me had the sanction of the highest authorities in our country.

Second, my 26-year record of service to this country predisposed me to accept orders and instructions really without question and without debate.

Senator TALMADGE. Let me see if I understand your reply. First, you thought the end justified the means; and second, if higher authority ordered, that you thought it was your duty to obey, does that answer it?

Mr. HUNT. Sir, I would——

Mr. SACHS. Senator Talmadge, may I intervene and suggest——

Senator TALMADGE. Certainly.

Mr. SACHS [continuing]. That the first part of your question, in my humble opinion, was not an exact paraphrase of what he said. I, at least, didn't hear him make any suggestion that in his opinion the end justified the means.

Senator TALMADGE. I certainly don't want to put words in his mouth, but I understood the answer to be similar thereto. I want the witness to answer in his own words.

Mr. HUNT. As a general rule, Senator Talmadge, I do not believe that the end justified the means.

Senator TALMADGE. You had been trained to instantly obey orders of higher authority, and that was the reason you did what you did.

Mr. HUNT. Yes, sir.

Senator TALMADGE. Thank you, sir.

Mr. Chairman, no further questions.

Senator ERVIN. Senator Gurney.

Senator GURNEY. Mr. Hunt, pursuing Senator Talmadge's last question, if I heard you correctly, you answered in part, at least, that you went ahead with this activity because you thought it was on highest authority. Is that what you said?

Mr. HUNT. Yes, sir.

Senator GURNEY. Well, that answer also in conjunction with what appears on page 5 of your statement—and I will read it here—"My participation in the Watergate was an activity authorized within the power of the President of the United States."

Could you tell the committee what you mean by that in your statement and also your answer to Senator Talmadge?

Mr. HUNT. Yes, sir. It had been my understanding, my perception, if you will, from November 1971 onward, when—and I go back to the time, now, when I was approached by Mr. Liddy—that he, having invoked first the name of the then Attorney General, John N. Mitchell, and the highest legal authority at the White House, the counsel to the President, John W. Dean, that these two men certainly possessed a delegated authority from the President of the United States to engage in the contemplated acts.

Senator GURNEY. Well, but of course, the contemplated acts which he told you about in November of 1971 was an intelligence-gathering plan for the upcoming Presidential campaign. Is that not right?

Mr. HUNT. Yes, sir.

Senator GURNEY. That did not involve at that time any discussion between you and Mr. Liddy about a burglary of the Democratic National Committee headquarters, did it?

Mr. HUNT. Not at that time; no, sir.

Senator GURNEY. And was not Mr. Mitchell, even though he was Attorney General then; it was well known in Washington and all around the country that he was going to be the campaign director of the campaign to reelect Mr. Nixon. Is that not right?

Mr. HUNT. Yes, sir.

Senator GURNEY. And that whatever actions I suppose he was taking at that time or launching of intelligence gathering had to do with a political campaign and nothing to do with the national security of the United States, is that not a fact?

Mr. HUNT. Yes, sir; but I would go back to the initial requirements given Mr. Liddy by the Attorney General which comprehended electronic surveillance and entry operations.

Senator GURNEY. Do you have any evidence that you can give the committee that the President of the United States authorized this?

Mr. HUNT. No, sir.

Senator GURNEY. Let us go back to that first contact of November 1971 by Mr. Liddy. Tell us as briefly as you can, because our time is limited here, what did he tell you?

Mr. HUNT. In accord with your injunction to be brief, Senator Gurney, I will simply say that Mr. Liddy told me that he had been approached by Mr. John Dean in behalf of the Attorney General, that the Attorney General wanted Mr. Liddy to become the general counsel for the Committee To Re-Elect the President but that there would be an ancillary and even more important job connected with that; that the Attorney General had in mind that he was proposing the establishment of a large-scale intelligence, counterintelligence collection program with half a million dollars as openers, and would my cooperation be available along with that of my four Miami friends, and perhaps others, whom Mr. Liddy had met previously in conjunction with the Ellsberg affair.

Senator GURNEY. And your reply was?

Mr. HUNT. Yes.

Senator GURNEY. And what happened next?

Mr. HUNT. Mr. Liddy told me that he planned to check out his proposed participation with Mr. Egil Krogh, Jr., and once having cleared that hurdle, he and Mr. Dean—again, this is hearsay, Senator,

I want to be very careful to point this out—that he met with the Attorney General. They worked out some specifics, I believe salary, position, as well as touching initially on some details of the covert campaign that the Attorney General was proposing. Mr. Liddy informed me of the results of these, kept me posted from time to time, and I very soon began fleshing out a program for him which eventually came to be known as Gemstone.

Senator GURNEY. That is going to be my next question. What did you and he discuss? Did you break up areas of planning that you were going to have? Tell us about it.

Mr. HUNT. Yes, sir. There were three principal areas. There was an area of electronic surveillance, collection of intelligence by electronic means. This was not my bag, so to speak. Mr. Liddy informed me that he and another gentleman, whom he did not identify but said that he was a man I might know inasmuch as he had had a CIA background, would be responsible for that portion of the budget. I was responsible for the so-called human resources portions of the budget which dealt with the, may I say, more conventional methods of intelligence collection and counterintelligence. This also had to do with the protection of the convention site in San Diego, later on the protection of the convention site in Miami, and the political action aspects which have come to be known as the dirty tricks department.

Senator GURNEY. How many meetings did you have discussing this and planning it?

Mr. HUNT. From the time that Mr. Liddy and the Attorney General had reached a mutually satisfactory arrangement, I would suppose that Mr. Liddy and I met almost every day.

Senator GURNEY. This is in December?

Mr. HUNT. December and January, up until the time the project had been turned down for a second time.

Senator GURNEY. Now, while you were in the planning stages, did you discuss what you were doing with anyone?

Mr. HUNT. I discussed it with my wife.

Senator GURNEY. Anybody else?

Mr. HUNT. In January I discussed it with Mr. Colson tangentially.

Senator GURNEY. Let us take it up prior to that, because I am going to come to that in a moment.

Mr. HUNT. Excuse me.

To the best of my recollection, Senator, I discussed it with no one else.

Senator GURNEY. Did Mr. Liddy ever tell you that he had discussed it with anyone else?

Mr. HUNT. No, sir; not since his initial meeting with Mr. Krogh. Of course, I do not know the details of that meeting.

Senator GURNEY. Is it your understanding, then, that during this December planning period, you and he were working on this, and as far as the details were concerned, really nobody else knew anything about it, is that right?

Mr. HUNT. With the exception, let me add, of the man whom he called the electronics expert who eventually turned out to be Mr. McCord—whom I did not meet until April.

Senator GURNEY. What was your contribution to the plans specifically? You mentioned human resources, counterintelligence; but what specifically?

Mr. HUNT. The project whereby we would be able to collect intelligence from the candidates' headquarters at Miami Beach hotels.

Senator GURNEY. Is that the only part that you contributed?

Mr. HUNT. That was certainly one phase of it.

Senator GURNEY. What about the chase plane?

Mr. HUNT. That was part of the electronic surveillance.

Senator GURNEY. By the way, what were they going to do with a chase plane?

Mr. HUNT. As I understand it, and my comprehension of these things is very limited, Senator, the idea was to have a plane with some sort of electronic intercept capability in the vicinity of a candidate's plane so that voice-to-ground and—that air-to-ground and ground-to-air communications could be intercepted by the chase plane.

Senator GURNEY. You mean the plane would be following the candidate's plane?

Mr. HUNT. Yes, sir, that was my general understanding, yes, sir. I do not even know if it is possible.

Senator GURNEY. When did you have your meeting in January with Mr. Colson?

Mr. HUNT. I have to place it between the time of the—well, I had two meetings with Mr. Colson.

Senator GURNEY. Well, let me ask you this. Did it occur prior to the presentation by Mr. Liddy to Messrs. Mitchell, Dean, and Magruder, which was on January 27, as I recall?

Mr. HUNT. Yes, sir. I had a meeting with Mr. Colson at which time I told him that it had become apparent to me that because of the great amount of time I was having to put in with Mr. Liddy, I was going to have to put in commensurately less time for him.

Senator GURNEY. All right, you have testified to that.

Mr. HUNT. Yes, sir.

Senator GURNEY. I am just trying to identify when the meeting occurred.

Mr. HUNT. Yes, sir.

Senator GURNEY. Apparently, there was a brief discussion at this time or an arrangement on Mr. Colson's part that he knew there was going to be some kind of intelligence-gathering program, is that right?

Mr. HUNT. Yes, sir. I believe I prefaced my remarks, or if not by way of preface, certainly I included them along these lines. I assume that you know what I engaged in with Liddy, having to do with the AG's intelligence program.

Senator GURNEY. Of course, this was prior to the first presentation to the Attorney General of the plan. The principals themselves—Mitchell, Magruder, Dean—didn't know anything about it. How could Colson have known anything about it other than the just general awareness that there was going to be some intelligence gathering?

Mr. HUNT. I think that Mr. Colson's response to me was indicative of the fact that he did have knowledge when he said, yes, I am aware of this.

Senator GURNEY. Well, what was he aware of?

Mr. HUNT. The fact that there were plans in the air for a large-scale intelligence collection program.

Senator GURNEY. But isn't it a fact that really, all he knew was that there was going to be some sort of an intelligence-gathering program or plan? He could not have known anything about the details of Gemstone, could he?

Mr. HUNT. I don't believe I have suggested that he did at that point.

Senator GURNEY. Well, but there has been some confusion, I think, about that.

Mr. HUNT. I think, Senator, I might put it this way; that there was a great deal of confusion among the media between Gemstone and Watergate.

Senator GURNEY. I think so, and that is one of the reasons why I am asking the question.

Mr. HUNT. I am perfectly happy and disposed to clarify that distinction.

Senator GURNEY. And then after, of course, you had your meeting with Mr. Colson in January, the middle of January or sometime in there, Liddy made his first presentation to Mitchell, Magruder, and Dean and all of the testimony that we have had before this committee is, and I am paraphrasing—I don't recall exact words—that Mitchell and company were appalled and shocked at this plan, which involved chase planes, kidnaping people, sexual aberrations, and a whole lot of things. Isn't that a fact?

Mr. HUNT. I don't know it's a fact, Senator, no.

Senator GURNEY. Well, what don't you know is a fact?

Mr. HUNT. Well, I don't know that the people were shocked and horrified.

Senator GURNEY. They did reject the plan, didn't they, on the January 27 meeting?

Mr. HUNT. They did, sir, but if I may be permitted to amplify very briefly, it was my understanding from Mr. Liddy that it was something—the price tag that shocked and horrified them.

Senator GURNEY. Your understanding was, it was only the price tag?

Mr. HUNT. That was my understanding.

Senator GURNEY. Were you fully aware of all of the details of the plan? Did Mr. Liddy tell you?

Mr. HUNT. No, sir; I don't believe at that time all of the details had been worked out, certainly not at the time that Mr. Liddy gave it to—

Senator GURNEY. Let me put it this way: Did Mr. Liddy advise you and did you know of the full details of the plan as it was presented by Liddy on January 27?

Mr. HUNT. Of course, Senator, I am laboring under this difficulty, that I don't know what plan Mr. Liddy presented to the gentleman on January 27. I did not see the charts. I was not present.

Senator GURNEY. I thought you helped prepare the charts.

Mr. HUNT. I prepared budgets. I prepared budgets that were related to line items. I don't know how faithfully or to what extent Mr. Liddy carried them through. I don't know what construction he placed on them. I don't know the vociferousness with which he might have pursued each item.

Senator GURNEY. Well, at any rate, he came back to you and told you that they would not accept his initial plan?

Mr. HUNT. And that we would have to cut down the budget substantially.

Senator GURNEY. I understand my time is up.

Senator ERVIN. Senator Inouye.

Senator INOUE. Thank you, Mr. Chairman.

Following Senator Gurney's line of questioning, Mr. Hunt, did you ever see those charts?

Mr. HUNT. No, sir.

Senator INOUE. Can you tell us where these charts were made?

Mr. HUNT. No, sir.

Senator INOUE. May I now ask a few questions on your meeting with Mrs. Dita Beard?

Mr. HUNT. Yes, sir.

Senator INOUE. How many hours did you spend with her, sir?

Mr. HUNT. These were sporadic meetings, Senator. Might I set the scene for fuller comprehension?

Senator INOUE. Certainly, sir.

Mr. HUNT. I arrived out in Denver well after dark, probably 9 or 10 o'clock at night, made telephonic contact with her physician, took some time to get in from the airport. I probably got to her bedside no earlier than 11 o'clock that night.

I introduced myself under the pseudonym that had been agreed upon and under which she had agreed to see me, having had prior reference to her daughter's guaranteeing of my bona fides. She was initially very suspicious. I also believe that she was under sedation and was not grasping thoroughly the situation.

I had a number of questions to put to her. She was reluctant to answer them at first. There came a time shortly after, perhaps within the first 20 or 30 minutes, when her physician who was then in attendance upon her suggested that I step into the corridor, which I did. He indicated that he wanted to administer oxygen or some sort of other aid, chemical aid, to her.

I chose that time to absent myself to go to a pay telephone and report back to Mr. Charles Colson at his home telephone number, which I did. I just want to establish that this is a pattern that occurred throughout the night for perhaps, until perhaps 3 or 3:30 or so in the morning. I would interview her for a time, ask her questions. The physician was there, would intervene after a space of time. I would absent myself, call back to Mr. Colson's home to make a report and seek further instructions, which I would then act upon in my succeeding session with her.

So that one could say that I had been with her from, say, 11 o'clock at night until roughly 3 in the morning, but not all of the time, in any sense, was occupied in direct, face-to-face colloquy.

Senator INOUE. What did you discuss, sir?

Mr. HUNT. Well, we discussed a great many items, sir. I have made consistent reference before the staff of this committee to an eight-page, single-spaced memorandum which I dictated at White House request immediately upon my return from Denver and which certainly would be the best evidence of all, of the subject of our discussion.



I had also in my possession at that time a rather brief aide memoir which had been provided to me by the office of Mr. Wallace Johnson. I used some of these questions in my elicitation with her.

At the same time, during telephonic conversation with Mr. Colson, I would receive other questions, of which I would make pencil notations and then take them back to her bedside.

Senator INOUE. Did you suggest to Mrs. Beard that she should announce to the press that the memo they had was a forgery?

Mr. HUNT. I recall no such suggestion, sir. I recall that the brief, under which I was sent to Denver to speak with her, could be categorized under two broad headings: (a) Why had she left the Washington area and, in effect, isolated herself in a particular hospital? and, (b) was the famous or the notorious ITT memorandum a forgery?

Senator INOUE. Did she tell you that it was a forgery?

Mr. HUNT. To the best of my recollection, she left it up in the air. She indicated to me—and again, my memorandum would be the best evidence on this. The impression I now have of Mrs. Beard's recollections—and I want to stress that she seemed to be under heavy sedation while we were conferring—was that she was quite sure that she had not written it.

Senator INOUE. Mr. Colson, under oath, indicated that the interview of Mrs. Beard was your idea. Was this your idea?

Mr. HUNT. I do not recall it as so being.

Senator INOUE. Are you suggesting that this was Mr. Colson's plan?

Mr. HUNT. I don't believe it was Mr. Colson's plan. I think that Mr. Colson was involved or engaged peripherally on the fringe of an action group within the White House that had been set up to deal with, if I could put it that way, the Dita Beard-ITT controversy and that I was brought into the affair as an agent of Mr. Colson's.

Senator INOUE. I gather from your interview with the staff that you had four meetings with Mr. Segretti, three in Miami. On your second meeting, Mr. Segretti wanted some information from you or some assistance to locate a reliable printer. What did Mr. Segretti mean by a reliable printer?

Mr. HUNT. A printer whom we could have confidence in, Senator.

Senator INOUE. One who would not speak out?

Mr. HUNT. Yes, sir.

Senator INOUE. Were you aware of the material that Mr. Segretti wanted to print or reproduce?

Mr. HUNT. Not specifically; no, sir.

Senator INOUE. Did he describe the material to you?

Mr. HUNT. No, sir. In fact, when he asked me, I do not think he had at that moment any particular material to give to the printer but it was certainly my understanding that with the Florida primaries hard upon us, that he would be needing the services of the printer in connection with the Florida primaries.

Senator INOUE. Was it your understanding that the printing material would be something quite improper, something that a legitimate printer would not print?

Mr. HUNT. Not necessarily, Senator. I believe that—well, it is hard for me to speculate on that particular point. I am troubled by the word “improper.” What we were looking for, and what I understood Mr. Segretti to be looking for, was a printer who was sufficiently security conscious that he would not pass samples of his work around to people who might be hostile to Mr. Segretti’s purposes.

Senator INOUE. You also suggested on your third trip that Mr. Segretti should distribute false invitations to a Muskie picnic.

Mr. HUNT. Yes, sir.

Senator INOUE. Did you make any similar suggestion to Mr. Segretti?

Mr. HUNT. With regard to picnics, Senator?

Senator INOUE. Picnics, disrupting meetings, et cetera.

Mr. HUNT. On the occasion of that particular meeting which was in concert with Mr. Liddy, we drew Mr. Segretti’s attention to a Newsweek article which was, in effect, a reprint of a former article, I believe, which had appeared in the Woman’s Wear Daily which consisted of a factual interview with Mrs. Edmund Muskie, and it was my suggestion that he, Mr. Segretti, make sure that the Newsweek reprint received substantial distribution in the Miami area.

Senator INOUE. Were these meetings carried out as part of your official duties in the White House as a consultant?

Mr. HUNT. No, sir.

Senator INOUE. Who paid for your trip?

Mr. HUNT. They were in concert with Mr. Liddy. May I explain the Liddy-Segretti relationship?

Senator INOUE. Please do, sir.

Mr. HUNT. I do not think we touched on this before in public.

There came a time, I believe, in late January of 1972 when Mr. Liddy informed me that there seemed to be a problem; a problem of penetration by a suspected Democrat infiltrator in the headquarters of several Republican State headquarters. In each instance the would-be penetrator answered the same physical description, he was short, he wore rimless glasses, he introduced himself to Republicans as coming or emanating from the highest levels of Washington and he proposed to them to show them how they could win elections in their areas. I think when three such similar reports had been received either at the White House or at the Committee for the Re-Election of the President, Mr. Liddy was alerted and in turn alerted me. Some few days elapsed—oh, the gentleman in each instance had identified himself as being named Donald or Don Simmons. Within a few days, Mr. Liddy got back to me and said that this was one we would not have to worry about because Simmons was, in fact, already on board, that he was working for the Republicans, and in fact working for someone who was hired in the White House. However, he said, because Simmons had been detected or at least his activities had seemed suspicious to a number of legitimate Republican groups around the country, he, Liddy, and I were asked specifically to rendezvous with Simmons and Segretti in Miami and evaluate him. (a) As a person, and (b) in terms of what his professional credentials conceivably could be to the campaign.

We did that during the meeting at the Frolics Motel in Miami Beach. Each of us formed a similar impression of Mr. Segretti, that the activities that he acknowledged being involved in were sophomoric in nature and could be a little more than an irritant on the side of the Democrats and a possible embarrassment to the Republicans. In short, we returned to Washington with a joint recommendation that whoever was employing Mr. Segretti, as I now know his name to be, cease and desist.

Mr. Liddy, however, informed me subsequently that he had been overridden, and that we were being asked to monitor his activities, and to help him if possible and see that he stayed out of trouble. We had no monetary, financial responsibility for him nor did we have any operational direction of Mr. Segretti.

Senator INOUE. Who was Mr. Segretti's director?

Mr. HUNT. I did not learn, and have not learned except through hearsay, sir.

Senator INOUE. Did you see the finished products of Mr. Segretti's work, the printing?

Mr. HUNT. On one occasion I did, sir. I saw, he rather gleefully showed me, and I think this was on the occasion of my second or third meeting with him, when he was staying in a motel on South Burkheld Avenue in Miami, he showed me a day glow poster in two colors and indicated to me this had been tacked up by friends and associates of his, his gang as he put it, to telephone poles, fence posts and so forth in a particular area of Florida which I inferred to be northern Florida.

Senator INOUE. Mr. Barker has maintained that as per your instructions he mailed copies of these printed materials to you, care of the Mullen Associates, is that correct?

Mr. HUNT. Of that specific item?

Senator INOUE. The printed material, yes.

Mr. HUNT. He may very well have done so on one occasion, which was simply, in which case I was simply acting as a cutout.

Senator INOUE. Did you receive them?

Mr. HUNT. I recall receiving a package from Barker which he got from the printer. I received it and simply forwarded it on to the accommodation address that Segretti had on the west coast.

Senator INOUE. Thank you very much, sir.

Senator ERVIN. Senator Weicker.

Senator WEICKER. I would like to, if I could, just go over the subject with you, Mr. Hunt, of access to various Government agencies. I believe you discussed the CIA in rather some detail so I will not refer back to that. But let us move on to your access to the State Department. Could you give, or indicate to me the number of telegrams which you received or retrieved from the State Department during this period of time when you were putting the falsified cables together?

Mr. HUNT. To be—

Senator WEICKER. Roughly.

Mr. HUNT. To be accurate, Senator, I had copies made at the Department of State, so it was copies.

Senator WEICKER. Right.

Mr. HUNT. I received—I would have to estimate well over 200, somewhere in the nature of between 2 and 400 cables. However, these cables themselves were in the hands of the Government and if a head count is necessary I am sure one could be made.

Senator WEICKER. Well, that is a considerable amount of work. Could you indicate to me who it was in the State Department who assisted you in this task. I mean, or did you just arrive at the State Department in an empty room and with a Xerox machine and cables. You must have had some contact at the State Department?

Mr. HUNT. Yes, sir. Once my bona fides were established at the State Department archive room where the chronological files were kept, I would go through the chronological file drawers, extract cables that I wanted reproduced, stack them on the desk at which I was working and an individual would come by and collect those, go off and reproduce them, return the originals to the chronological drawer and at the end of the day leave me with a stack of cables to take back to my White House safe.

Senator WEICKER. But obviously this isn't something that anyone can do, and would require some sort of a contact at the State Department. Would you indicate to me who that individual was?

Mr. HUNT. Perhaps I misunderstand you Senator, do I know the individual who did the xeroxing for me?

Senator WEICKER. These cables as I understand it are still considered as confidential material?

Mr. HUNT. Yes, sir.

Senator WEICKER. And obviously there has to be someone at the State Department to give the authorization; to take you in hand to that area where the cables are going to be copied and I would like to know who it is.

Mr. HUNT. Senator, I believe it is a matter of record that Mr. David Young of the Plumbers unit directed a memorandum to Mr. Macomber who was, I think, Assistant Secretary of State or Deputy Assistant Secretary of State for Administration, requesting that I be granted access to the chronological files of the Department.

Senator WEICKER. I see. In other words, it was Mr. Young in what; in his capacity as a member of the National Security Council?

Mr. HUNT. No, sir.

Senator WEICKER. In what capacity?

Mr. HUNT. In his—well, by the time he joined the Plumbers he left Dr. Kissinger's unit.

Senator WEICKER. I see. As a member of the White House staff?

Mr. HUNT. Yes, sir.

Senator WEICKER. And he contacted Mr. William Macomber, is that right?

Mr. HUNT. Yes, sir.

Senator WEICKER. And it was Mr. Macomber that setup the commission by which you could accomplish the copying of these cables?

Mr. HUNT. Yes, sir.

Senator WEICKER. Thank you very much.

Now, to get on to the Department of Justice, did you at any time receive any information from Mr. Robert Mardian?

Mr. HUNT. I personally received no information from him. I saw information cross my desk that had been sent by Mr. Mardian to others within the Plumbers unit and outside.

Senator WEICKER. And this was at the time that Mr. Mardian was at the head of the Internal Security Division?

Mr. HUNT. Yes, sir.

Senator WEICKER. And the information from Mr. Mardian was addressed to whom, when you say others, who would others be?

Mr. HUNT. Messrs. Krogh and Ehrlichman, I would say.

Senator WEICKER. And the information related to what?

Mr. HUNT. Principally to the Ellsberg affair.

Senator WEICKER. When you say principally, what other matters were touched upon?

Mr. HUNT. Problems of leaks.

Senator WEICKER. I see. Did this relationship continue between Mr. Mardian and yourself after Mr. Mardian left the Department of Justice and in fact was a member of the Committee To Re-Elect the President?

Mr. HUNT. I had no personal relationship with Mr. Mardian, Senator. I am sorry if I gave that impression.

Senator WEICKER. Now, relative to what is commonly known as the Kissinger taps, 17 taps which have been referred to in the press and elsewhere; at any time did you have access to any of the information relative to those taps or any one of those taps?

Mr. HUNT. No, sir; not to my knowledge.

Senator WEICKER. Did any member of your group; Mr. Liddy, did he have access to any of the information of those taps?

Mr. HUNT. I don't know, sir. I was not aware of their existence.

Senator WEICKER. You were not aware of their existence?

Mr. HUNT. I was not aware of their existence.

Senator WEICKER. All right.

Now, to return for a minute to the actual break-in and the origins of the break-in in Dr. Fielding's office; will you please tell this committee as to when it was, in relation to the actual break-in, that you contacted the four Cuban-Americans to request them to come to Los Angeles for purposes of this mission.

Mr. HUNT. It is very difficult for me to put a precise date on that, Senator. I suspect that I must have sounded out Mr. Barker some days prior to August 25, which was the date when Mr. Liddy and I flew to the west coast to make our feasibility study and preliminary reconnaissance, and I say that because I think that I would have wanted to know beforehand whether or not an entry team could be formed from among my Cuban contacts in south Florida.

Certainly, I did it after the initial feasibility study and prior to the break-in. I would place it then toward the end of August, say around August 20, something like that.

Senator WEICKER. So this would be what; several days just prior to the break-in they were flown out to Los Angeles, just several days before the actual break-in?

Mr. HUNT. No, sir. Several days prior to the time Mr. Liddy and I went alone to Los Angeles—

Senator WEICKER. You initially notified—

Mr. HUNT [continuing]. For our reconnaissance stay.

Senator WEICKER. I see.

Did you give a date certain as to when they should come to Los Angeles at that time or did you call from Los Angeles and request their presence?

Mr. HUNT. No, sir; the procedure was a little more complicated than that. Mr. Liddy and I returned from Los Angeles on or about August 27. We submitted a report of our findings and rather a detailed study which included photographs which had been developed for us and printed by the CIA, both internal and external photographs. There was a period of waiting while this report was being considered by Mr. Krogh and I now understand others.

Senator WEICKER. In other words, the preliminary report was submitted to Mr. Krogh.

Mr. HUNT. Yes, sir.

Senator WEICKER. And when you say others who would that include?

Mr. HUNT. I assumed then and I assume now that Mr. Ehrlichman was also considering the report inasmuch as our findings were that a secure entry could be made and in fact was.

Senator WEICKER. Then who gave the final authorization to proceed with the actual break-in? You say you returned to Washington?

Mr. HUNT. Yes, sir.

Senator WEICKER. While these photographs were being developed, while consultation took place, and on whose instructions then did you return to Los Angeles for the actual break-in?

Mr. HUNT. Well, Mr. Liddy told me "It is go, you have got the green light."

I then communicated with my assistants in Florida and told them to be in Los Angeles at the Beverly Hilton Hotel, on a date certain, where we would converge and I would give them details of the operation, which they did not have at that point.

In addition there was a question of money, of financing. A certain budget had been drawn up. We reached a point when Mr. Liddy and I were waiting in room 16 for the funds for the operation to be produced.

Senator WEICKER. Room 16 being in the White House?

Mr. HUNT. The Plumbers room in the old Executive Office Building.

Senator WEICKER. In the old Executive Office Building.

Mr. HUNT. And time was growing very short in terms of the departure of our scheduled aircraft.

Almost at the last minute Mr. Krogh came in very hurriedly and handed an envelope to Mr. Liddy and said, "OK, here it is. Get going."

Mr. Liddy took the money, we left, took a taxi, went to the airport, flew to Chicago, made certain photographic purchases out there, overnight in Chicago. In the morning we flew to Los Angeles where we met with the men who had flown directly there from Miami.

Senator WEICKER. At the meeting at the Beverly Hilton Hotel then with the four Cuban-Americans, prior to their appearing in Los Angeles, they did not know the nature of the mission?

Mr. HUNT. They did not know the target of the mission.

Senator WEICKER. They did not know the target, they knew the mission?

Mr. HUNT. They knew it was an entry operation.

Senator WEICKER. Entry operation. And it was presented to them, I don't mean to put words in your mouth, or rather to Mr. Barker who was the man you dealt with; it could not be a matter handled by the FBI or CIA but was a national security matter and a new operation was being set up to handle it, is that it?

Mr. HUNT. Yes, sir.

Senator WEICKER. Correct.

Now, in the actual break-in itself or rather after the break-in, did you meet with Mr. Barker and Mr. De Diego and Mr. Martinez in the hotel?

Mr. HUNT. Very briefly, yes, sir.

Senator WEICKER. And was it at the hotel that they reported to you the results of their break-in?

Mr. HUNT. I think I had prior knowledge by means of walkie-talkie communications, Senator, but I certainly was given to understand the full details at the hotel. When they walked in the room where I was waiting, it did not come as a surprise to me they had been unsuccessful. I am quite sure that either Mr. Liddy or Mr. Barker by means of walkie-talkie had already communicated to me that the search had been fruitless.

Senator WEICKER. And subsequent to that; at any time did you just—did you discuss with Mr. Barker the possibility that a similar mission would be carried out, this time directed at Dr. Fielding's home rather than his office because of the failure to achieve any success at the office?

Mr. HUNT. I might very well have done so. It was very much on Mr. Liddy's mind, and my mind, and we reduced this to memorandum form and then forwarded it to the White House.

Senator WEICKER. I beg your pardon?

Mr. HUNT. This was very much within Mr. Liddy's mind, and my mind, and we reduced this to memorandum form within the White House as an alternate suggestion.

Senator WEICKER. After you returned from Los Angeles?

Mr. HUNT. After I returned from Los Angeles.

Senator WEICKER. You reduced it to memorandum form that an attempt should be made on Dr. Fielding's home?

Mr. HUNT. Yes, sir.

Senator WEICKER. Did you receive any response to that memorandum?

Mr. HUNT. No written response. When I inquired about it after the passage of a couple of weeks, I think I was told by Krogh or Young, "Forget about it or put it on the backburner, it is not going to happen."

Senator WEICKER. I believe my time is up on this round, so thank you, Mr. Chairman.

Senator ERVIN. Senator Montoya.

Senator MONTOYA. Mr. Hunt, now that your recollection is perhaps better due to the questioning in the secret sessions with the staff and with this committee, in light of what has developed, do you feel that

you were let down by people in the White House and the Committee To Re-Elect the President?

Mr. HUNT. I do.

Senator MONTROYA. In what manner?

Mr. HUNT. Their failure to interpose themselves between the seven of us who were initially indicted and the severe penalties of the law that have been imposed upon us; their failure to support our families; to continue to pay our legal fees; to exert every reasonable effort in our behalf.

Senator MONTROYA. What particular individuals in authority at either the White House or the CRP, or both, would you feel had some kind of responsibility to reciprocate to you and the other defendants?

Mr. HUNT. I would say primarily the Attorney General, the Attorney General's successors.

Senator MONTROYA. And who else? You mentioned the White House.

Mr. HUNT. Well, I certainly consider a Cabinet member to be an adjunct of the White House.

Senator MONTROYA. What about Mr. Colson?

Mr. HUNT. Well, Mr. Colson, to my knowledge, was not involved in the Watergate break-in per se. He was not one of the ones who insisted to Mr. Liddy that the second entry be carried out.

Senator MONTROYA. Well, when you mentioned the word "per se," does that imply that he was involved in some other way?

Mr. HUNT. Only to the extent that I have heretofore described it, that I believed him at one point in time—pardon me; let us strike that—that I believed him in one period in January to have had knowledge of an overall plan which did not include the Watergate break-in per se.

Senator MONTROYA. Is it your feeling that because he had a wide knowledge and understanding of the overall plan, he might have thought that break-ins might have been involved without any specificity as to the Watergate entry?

Mr. HUNT. I could draw that conclusion, that inference; yes, sir.

Senator MONTROYA. All right, now, on page 396 of the transcript of the questions and answers in the secret session with the staff, Mr. Dash asked you the following and you responded, as I will read.

Mr. SACHS. Excuse me, Senator, could you give us that date and page again?

Senator MONTROYA. Page 396.

Mr. SACHS. What day?

Senator MONTROYA. The September 13 interview.

Mr. DASH. Can you state as clearly as you can what you in your own mind believed or what wavelength you were on with Mr. Colson when you understood him to indicate that he knew what you were doing with Mr. Liddy?

Mr. HUNT. Yes. He knew that I was working with Mr. Liddy in covert operations and would be working with Mr. Liddy in covert operations for the duration of the campaign.

Mr. DASH. And that as you indicated he knew that this had some high administration approval?

Mr. HUNT. Yes.

Mr. ARMSTRONG. You stated, I believe, that he was aware that you were considering use of the Cuban assets in this capacity?

Mr. HUNT. I think I mentioned that to him, because I had used them previously at the behest—to take political soundings in the Miami area.



Then, on page 397, Mr. Dash asked you the following question again:

So he was fully aware of your role and the use of those assets at that time, at the time subsequent to the break-in, but at the time of his discussion with you concerning this larger plan?

Mr. HUNT. Yes.

Mr. DASH. Now, leading up, then, with that in mind—how often, by the way, were you in communication with Mr. Colson during the period of, say, January through February?

Mr. HUNT. I do not think I saw him more than three or four times at the most.

Then down below:

Mr. DASH. That was in February. Prior to that?

Mr. HUNT. I saw him in January—I know I dropped around to give him New Year's greetings shortly after the New Year. I do not think we had very much to say at that time. He was a man who was perhaps one of the busiest men in the White House.

On page 398:

Mr. DASH. Can you place, then, about when—was it January? I am not sure we said January—that you had this kind of discussion with Mr. Colson where you had indicated that you were going to be doing more work with Mr. Liddy—was it at that time that he indicated he understood that what you were doing?

Mr. HUNT. Yes. That was the month of January.

Mr. DASH. And do you know when in the month?

Mr. HUNT. I would place it toward the middle of January.

Then subsequently, your opening statement indicated on page 5, as I have read it to you before—and I am quoting you:

My participation in the Watergate was an activity authorized within the power of the President of the U.S., and if my participation was not so authorized, I justifiably believed that it was.

Now, why do you say that the participation was within, was an activity authorized within the power of the President of the United States? Did you have any communication with anyone in the White House who might have indicated that to you?

Mr. HUNT. Who might have indicated that it was within the power of the President of the United States?

Senator MONTROYA. Yes.

Mr. HUNT. That was a subjective judgment, and I believe an informed judgment, on my part, Senator, that the instruction—

Senator MONTROYA. Yes, but you had to base it on something?

Mr. HUNT. Yes, sir; I based it on my credible belief that Mr. Liddy was speaking in behalf of the Attorney General of the United States, Mr. Mitchell, when he secured my cooperation in the enterprise.

Senator MONTROYA. Is it not a fact that the only man with respect to this operation that you were in touch with at the White House level was Mr. Colson?

Mr. HUNT. No what, sir?

Senator MONTROYA. The only man at the White House level you were in touch with with respect to this operation was Mr. Colson?

Mr. HUNT. And Mr. Liddy.

Senator MONTROYA. All right. Now, I gather from the transcript which was taken by Mr. Colson of the telephone conversation with you in November of 1972, that Mr. Colson tried very hard to exculpate

himself from any involvement and to close you off as you were beginning to open the Watergate door in the conversation. Now, he did this quite a few times.

You have read this transcript, have you not?

Mr. HUNT. I have, Senator.

Senator MONTAYA. Now, do you assign any significance to Mr. Colson's repeated closing of the door, of the Watergate door, in that conversation?

Mr. HUNT. I do.

Senator MONTAYA. What is that significance?

Mr. HUNT. That it was self-serving.

Senator MONTAYA. Now, when did you first realize that it was a self-serving colloquy or dialog with Mr. Colson?

Mr. HUNT. During the course of that conversation.

Senator MONTAYA. Did you tell him anything about it?

Mr. HUNT. Excuse me. May I refer to the conversation itself?

Senator MONTAYA. The transcript does not reflect that. Did you tell him anything about your suspicion that you were being set up in this conversation?

Mr. HUNT. No, sir.

Senator MONTAYA. Did you indicate this to anyone else before?

Mr. HUNT. Before the conversation, Senator?

Senator MONTAYA. That you were being set up?

Mr. HUNT. No, sir; I had no idea I was being set up.

Senator MONTAYA. Your first statement with respect to being set up was made before this committee today, is that it?

Mr. SACHS. Senator, if I may interject, I do not think it was clear to Mr. Hunt as to the date before which you were asking him whether he had made that statement.

Senator MONTAYA. I will repeat the question. Did you ever make a statement to anyone else other than to this committee today that it was your belief that you were being set up by Mr. Colson during this telephone conversation?

Mr. HUNT. Yes.

Senator MONTAYA. To whom did you make it?

Mr. HUNT. I made it to members of your staff.

Senator MONTAYA. Before today?

Mr. HUNT. Before today.

Senator MONTAYA. All right. Now, in your oral or in the phone conversation, you stated to Mr. Colson, and I will read exactly from the transcript, page 5:

Well, that is fine, for we are protecting the guys who are really responsible. But now that is that. And, of course, that is a continuing requirement. But at the same time, this is a 2-way street. As I said before, we think that now is the time when a move should be made and surely the cheapest commodity available is money.

Now, what did you mean by the guys? Who did you have in mind and what did you mean with respect to money?

Mr. HUNT. I meant John Mitchell, Jeb Magruder, and John Dean.

Senator MONTAYA. Did you have Ehrlichman in mind?

Mr. HUNT. No, sir.

Senator MONTÓYA. Ehrlichman had approved your employment initially, had he not?

Mr. HUNT. Yes, sir.

Senator MONTÓYA. Did you have Mr. Colson in mind?

Mr. HUNT. No, sir, because I was addressing him.

Senator MONTÓYA. And what did you mean that the cheapest commodity available is money? In what context were you referring to this particular commodity?

Mr. HUNT. That is almost a saying within the clandestine services, Senator. Let me approach it this way; that there is no such thing as an expendable human being. Human resources are not expendable. Money is an expendable resource; therefore, it is a commodity that is relatively cheap.

Senator MONTÓYA. Well, how were you going to use it? You must have had something in mind.

Mr. HUNT. In terms of our own defense, our legal fees.

Senator MONTÓYA. Now, who insisted, Mr. Hunt, that the second break-in of the DNC take place?

Mr. HUNT. In the context of Mr. Liddy's insistence—and again, I am hypothesizing now—I would have to put it to John Mitchell, because I do not think that Mr. Liddy would have been as responsive to Jeb Magruder. There was an absolute flat insistence. I argued against it for 3 days.

Senator MONTÓYA. My time is up. Thank you, sir.

Senator ERVIN. Mr. Hunt, am I not correct in inferring from your testimony that after you began to work with Mr. Liddy, most of the things you did were political matters rather than national security matters?

Mr. HUNT. I beg your pardon, Mr. Chairman. You are saying that is your inference?

Senator ERVIN. I say after you started to work with Mr. Liddy, most of your activities had to do with political matters, did they not?

Mr. HUNT. Yes, sir.

Senator ERVIN. Now, of course, your receiving this information from Muskie campaign headquarters through Mr. Buckley was nothing in the world but politics, was it?

Mr. HUNT. Principally.

Senator ERVIN. Well, was it not entirely so?

Mr. HUNT. Unless, sir, if it demonstrated or proved by virtue of the material that we had been receiving that improper donations were being made from whatever source.

Senator ERVIN. Well, Mr. Liddy was working for the Finance Committee To Re-Elect the President at that time, was he not?

Mr. HUNT. Yes, sir.

Senator ERVIN. And you know of your own knowledge that the CIA, the State Department, and the Department of Justice were cooperating with the political committees, don't you?

Mr. HUNT. Excuse me. May I consult with counsel on this point?

Senator ERVIN. Yes.

Mr. HUNT. It is a very important one.

Mr. SACHS. Senator, I was about to ask permission to consult with Mr. Hunt about that, because I don't understand the question and he has just said to me that he does not understand the question.

I don't think that is any reflection on the question; I think it is a reflection on our understanding.

Senator ERVIN. Well, I hope that we understand the answer to it when the answer is given.

Mr. SACHS. I think the question is that we don't quite have in mind the kind of cooperation you have in mind in your question.

Senator ERVIN. Yes.

Well, Mr. Mardian in the Justice Department was giving information to somebody, was he not, to your knowledge?

Mr. HUNT. Yes, sir.

Senator ERVIN. Who was he giving information?

Mr. HUNT. He was giving it to Messrs. Krogh, Young, and Liddy.

Senator ERVIN. And they were working in the White House?

Mr. HUNT. Yes, sir.

Senator ERVIN. And you know that none of that information was transmitted by them to the Committee To Re-Elect the President?

Mr. HUNT. Senator, I believe my difficulty has to do with the time frame that we are addressing. If we could limit it—

Senator ERVIN. What I am asking is: Any time before the break-in on June 17, was not it a matter of fact that those people in charge of the President's campaign were getting cooperation in their activities from the State Department, the Department of Justice, and the CIA?

Mr. HUNT. If that is your question, as I now understand it, Senator, I would have to say that that lies beyond the purview of my knowledge. I have no knowledge of that.

Senator ERVIN. Well, you know there was no national security involved when you were given access to the telegrams in the State Department, that that was purely and simply an effort to discredit the possibility that Teddy Kennedy, the brother of former President Jack Kennedy, might be a candidate, was it not?

Mr. HUNT. Senator, with all respect, I would not, myself, place so broad a construction upon that.

Senator ERVIN. Well, how in the world—how would the national security be promoted by the State Department officials giving you access to telegrams so you could fabricate telegrams which didn't exist?

Mr. HUNT. Senator, I don't believe that I have suggested that that was a national security exercise.

Senator ERVIN. That is what I am asking you. I am asking you was it not a political exercise?

Mr. HUNT. Yes, sir.

Senator ERVIN. Yes, sir. Now, when you and Mr. Liddy discussed with some of the representatives of Howard Hughes or alleged representatives of Howard Hughes the possibility of making a surreptitious entry into the offices or the place of business of Greenspun, that had nothing to do with national security, did it?

Mr. HUNT. No, sir.

Senator ERVIN. That was to get information which they thought might be used in some way to discredit the candidacy of Senator Muskie?

Mr. HUNT. Yes, sir.

Senator ERVIN. Now, you contend that the surreptitious entry into the office of Dr. Fielding did involve national security. Can you explain to me how it happened, that you were trying to get there first, trying to get the information about the psychiatrist's notions or opinions about the psychological or mental state of Ellsberg, weren't you?

Mr. HUNT. Yes, sir.

Senator ERVIN. Now, can you explain to me how the notion of Dr. Fielding, in respect to the psychological or mental state of Ellsberg, affected national security?

Mr. HUNT. Yes, sir; I will attempt to do so and I will go back to a period in time at which it became known to me and to others in room 16 that following Dr. Ellsberg's final delivery of the last installments of stolen Pentagon documents to the New York Times and to other portions of the media, that he had, I believe, telephoned his psychiatrist or analyst, Dr. Fielding, and communicated to him, in effect, his sense of great relief that he had at last done this. Now, we were interested in room 16—and I may not have covered this before this forum previously—I can't recall whether I did in the staff session, with this committee, or possibly the grand jury—there was, shortly following the indictments that were drawn and presented against Dr. Ellsberg and others, a continuing debate within the White House itself that extended to the Department of Justice concerning the prosecutability of Dr. Ellsberg. He had given a reason or a motivation for his act of theft which did not, was not comprehensible to, say, Mr. Liddy, Mr. Young, Mr. Krogh, Mr. Mardian, others who were involved specifically in the prosecution or the drawing up of indictments against this gentleman.

At the same time, I questioned his rationale. I could not comprehend Dr. Ellsberg's motives for having done so drastic a thing, and it occurred to me that before one embarked upon the lengthy and very trying process of prosecuting a man, who was by now a national figure and running the risk of martyrizing him, that we really should explore every avenue possible to determine what was the basis of his motivation.

Senator ERVIN. You were doing this as one of the Plumbers, weren't you?

Mr. HUNT. Yes, sir; I was.

Senator ERVIN. What business was it of the Plumbers to have anything to do with the prosecution of Dr. Ellsberg? That was a matter for the Department of Justice.

Mr. HUNT. We had been asked to look into it, sir.

Senator ERVIN. Not by the Attorney General of the United States or by the district attorney out there. Who asked you to look into it?

Mr. HUNT. I can only say that Mr. Krogh, who was the highest level official with whom I was dealing—

Senator ERVIN. Well, you know Mr. Krogh had nothing to do with prosecuting cases in the Federal courts?

Mr. HUNT. Yes, sir.

But I know that there was a continuing White House input into the case.

Senator ERVIN. For the life of me, I can't see what business the Plumbers had to do with the prosecution of Dr. Ellsberg. That was

something that the law entrusted to the Department of Justice and their subordinates, the district attorneys, in California.

Mr. SACHS. I am not sure that Mr. Hunt understands that you are asking him a question, Mr. Chairman. I think he might like to agree with you and say, but they did.

Mr. HUNT. You have asked me a question, Mr. Chairman——

Senator ERVIN. Yes.

Mr. HUNT [continuing]. Concerning the motivation for the entry into Dr. Fielding's offices, and with your indulgence, I would like to at least supply you with my view of the operation.

Senator ERVIN. I will certainly indulge you.

Mr. HUNT. Thank you, sir.

There was, on the one hand, the legal argument that was going on among the lawyers in the White House and in the Department of Justice concerning the form and nature of the indictments that had been drawn against Ellsberg. I, from the public relations point of view or the psychological warfare point of view, if you will, felt that unless a hard and fast case could be made against Dr. Ellsberg, it was better to drop prosecution than to proceed on grounds which I perceived to be rather shaky. My perception was based upon comments made within the Plumbers unit concerning the way in which the indictments themselves had been drafted.

A third possibility occurred to me based upon my, if I may so say, extensive experience in the counterespionage field, that Dr. Ellsberg, by virtue of his contact with foreign nations, particularly foreign women, during his years in Saigon and during his leaves of absence which took him to Europe, his experimentation into hallucinogenic drugs, all of this created to me a pattern of bizarre conduct that I thought the Soviets, at the very least, would be quick to take note of.

At about this time, we received within the Plumbers a report to the effect that the Soviet Embassy, or Soviet agents, had in their hands prior to the delivery of the Pentagon papers to the New York Times, a form of——

Senator ERVIN. Who gave you that report?

Mr. HUNT. I can't be more specific, sir, than to say I believe it emanated from Mr. Krogh. But in any case, it was accepted as gospel within the Plumbers and was one of the basic reasons for the Fielding entry.

Now, I move on and I don't want to take more time than is absolutely necessary on this. We move ahead to the planning of the Fielding entry operation. We knew at this juncture that there had been a communication between Dr. Ellsberg and his psychiatrist in which Dr. Ellsberg expressed great relief that this burden of his was over with. We assumed by this token that there certainly must be something within Dr. Fielding's files that would reflect a longstanding psychological trauma, if you will, concerning—which would give us a more thorough understanding of Dr. Ellsberg's motivations. I, for one, thought that it might be a trauma that had been produced within Dr. Ellsberg by his having participated, wittingly or unwittingly, as an agent for the Soviet Union.

Senator ERVIN. My point is this, why was this not left to the CIA insofar as any supposed contacts with foreign countries were concerned

or to the FBI in respect to his, any action he may have taken in this country. I just can't see why the Plumbers wanted to substitute for the CIA and the FBI, and the Department of Justice.

Mr. HUNT. One would have to go back, I suppose, Senator, to the President's reasons for the formation of the special investigations unit. That the full traditional investigative agencies of the Government were deemed inadequate.

Senator ERVIN. So the Plumbers were formed because the President thought that the CIA and the FBI were inadequate for the job?

Mr. HUNT. I can only quote the President on that, sir.

Senator ERVIN. Did you hear him say something on that?

Mr. HUNT. Over the radio; yes, sir.

Senator ERVIN. And so that is the reason the Plumbers were formed because the President came to the conclusion that the CIA and the FBI were inadequate to perform the tasks committed to them by the acts of Congress?

Mr. HUNT. Excuse me [conferring with counsel]. The answer is yes.

Senator ERVIN. Did you find a reliable printer for Mr. Segretti?

Mr. HUNT. From the sublime to the ridiculous; yes, sir.

Senator ERVIN. I don't know which is sublime and which is ridiculous. [Laughter.]

But I won't pursue that. He told you in effect he wanted to get a printer that wouldn't tell anybody about what he printed or disclose it; isn't that a fact?

Mr. HUNT. Yes, sir.

Senator ERVIN. So he wanted to keep his operation secret?

Mr. HUNT. Yes, sir.

Senator ERVIN. Yes. Now, what did Liddy tell you in June 1972 about who was going to take care of the people involved in the Water-gate matter?

Mr. HUNT. When Mr. Liddy appeared on June 21 at the home of Mr. Jackson where I was staying, he appeared unannounced. I immediately took up with him my most urgent problem which was that of obtaining counsel in Washington. I did not want it to appear or be construed that I was a fugitive in any sense. I was not. I felt that the sooner I could obtain east coast representation, the better off I would be. I asked Mr. Liddy about that, and he said, "Well, we are working on that."

But he said, "Everything is going to be taken care of just like the company."

By the company, I understood him to mean CIA, according to clandestine practice.

I then said to him, and I believe I used rather saltier terms, "But who," in effect, "is in charge now? Is there an action officer now that the initial paralysis has worn off the White House?" He said, "Yes; as I left this morning or as of this morning, Mardian was the action officer."

Senator ERVIN. Now, you realized at that time and thereafter that McCord—you knew that McCord—was the security agent for the Committee To Re-Elect the President, and you knew that Liddy was general counsel or had been general counsel for the Finance Committee To Re-Elect the President, and that the trail of evidence led from the

Watergate into the Committee To Re-Elect the President, didn't it?

Mr. HUNT. And through me into the White House.

Senator ERVIN. Yes. And so didn't you tell Mr. Colson in a conversation in November 1972 that they were sort of slow about coming up with the money and that the go-between in getting the money for attorneys and so on was Mr. Parkinson, and that Mr. Parkinson didn't seem to be very effective?

Mr. HUNT. May I consult the record?

Senator ERVIN. It is on page 3 of the Colson recording of your conversation between you and him.

Mr. SACHS. Is that November 1972?

Senator ERVIN. Yes, 1972. It is in the second paragraph of the recorded conversation on the part of Mr. Hunt.

Mr. SACHS. What page is that, Senator?

Senator ERVIN. It is page 3. It is near the end of the paragraph that starts with "Oh, yeah." In other words, this—

Mr. HUNT. Yes, sir; I have it now; I have scanned it.

Senator ERVIN. Now, you knew Mr. Parkinson was one of the counsel for the Committee To Re-Elect the President, didn't you?

Mr. HUNT. Yes, sir.

Senator ERVIN. And so here we have a situation, here is a committee which has had evidentiary tracks leading from the Watergate into the Committee To Re-Elect the President, and here was the counsel for the Committee To Re-Elect the President being a man who was intermediary to supply the funds for the defense of the persons involved in the criminal indictment.

Mr. HUNT [conferring with counsel]. If that is a question the answer is yes, sir.

Senator ERVIN. Yes. So we have this peculiar situation: Here is a committee which is anxious to avoid having any of its officers implicated, financing the defense of the people who were involved in the indictments.

Mr. HUNT. Well, of course, Senator, I don't know that the committee was financing the defendants.

Senator ERVIN. But you did know Mr. Parkinson was the intermediary that received a request for defense and support funds from the seven people subject to indictment?

Mr. HUNT. Yes, sir.

Senator ERVIN. I think I have used up my time.

Mr. SACHS. Mr. Chairman, could I ask what the committee's plans are as to time?

Senator ERVIN. This all depends on how many questions there are; I mean it is hard to tell. I know that—

Mr. SACHS. Could we have a short recess?

Senator ERVIN. Yes, sir. I understand that Mr. Hunt is not feeling too well, and we will try to cooperate, he has been cooperating with the committee and we will try to cooperate with him. We don't want to impose on him too much at one time. Any time he wants a recess let us know and we will be glad to have any suggestion that you and Mr. Hunt might make about the time of termination of today's session.



Mr. SACHS. I think Mr. Hunt would want me to say that it isn't that he doesn't feel well, but this has been going on for days and days, and I think it is fairly obvious really that he is rundown.

Senator ERVIN. Let us see.

I think maybe we have counsel also, I was trying to find in addition how many questions the Senators have.

Mr. SACHS. Mr. Chairman, if I might interrupt—

Senator ERVIN. Yes.

Mr. SACHS [continuing]. I do think it would be Mr. Hunt's preference if it were possible to finish today, assuming he could have some kind of a break now.

Senator ERVIN. Yes, we will give him a break now and we will see if we can finish. I know Mr. Hunt has been answering questions very freely, I think, and he has been cooperating with the committee, and the committee, I think, should cooperate with him. Whenever you are ready to resume, just let us know.

Mr. SACHS. May we have a 10-minute break?

Senator ERVIN. Yes.

[Recess.]

Senator ERVIN. The committee will resume with Senator Talmadge.

Senator TALMADGE. Thank you, Mr. Chairman, and I shall be very brief, and this will conclude my questions of Mr. Hunt.

Mr. Hunt, did you engage in any successful clandestine activities that you have not informed this committee about?

Mr. HUNT. Would you care to limit that, Senator, to a particular period of time?

Senator TALMADGE. During the time you were engaged in the operation of the Plumbers?

Mr. HUNT. No.

Senator TALMADGE. You did not. Now, was there a time when you discovered that Mr. Larry O'Brien, the chairman of the Democratic National Committee, and other officials had reserved a room at the Sonesta Beach Hotel at Key Biscayne?

Mr. HUNT. There came a time, Senator, if you will permit me to answer in the following fashion, that I was told by Mr. Liddy that Mr. Jeb Stuart Magruder had informed him that such a reservation had been made.

Senator TALMADGE. Did you instruct Mr. Barker to reserve two rooms at the Sonesta Beach Hotel near the room reserved for Mr. O'Brien?

Mr. HUNT. It would have been for the purposes of surveillance.

Senator TALMADGE. What type of surveillance?

Mr. HUNT. Electronic surveillance.

Senator TALMADGE. Whose idea was that?

Mr. HUNT. That was, as I understood it, Mr. Magruder's idea. However, I would like to add. I was told subsequently by Mr. Liddy in some heat that he had determined Mr. Magruder's initial information to be inaccurate. That, in fact, Mr. O'Brien had not made such reservations.

Senator TALMADGE. So that operation was aborted?

Mr. HUNT. It was an operation that had no basis.

Senator TALMADGE. Never proceeded, it was aborted, recalled, killed?

Mr. HUNT. No, it never proceeded; yes, sir.

Senator TALMADGE. Now, did you tell Mr. Barker to find two safe houses in the area of the Democratic National Convention hall?

Mr. HUNT. I recall telling him specifically to acquire space in one building which was to the rear of Convention Hall. It had been suggested to me that I instruct him to obtain second quarters, a second site. If that is in fact so, I would suggest at this time that he received instructions from Mr. Liddy to acquire space in a second site.

Senator TALMADGE. For what purposes were these safe houses to be used?

Mr. HUNT. For visual observation and for the housing of the operational units.

Senator TALMADGE. That is the Plumbers Unit?

Mr. HUNT. For Mr. Liddy, myself, and our close associates who would be involved in the Miami Beach activities; yes, sir.

Senator TALMADGE. What criteria did you use in choosing these places?

Mr. HUNT. Their accessibility to the convention site, geographical position.

Senator TALMADGE. Did you instruct Mr. Barker to obtain information on blueprints of the Fontainebleu Hotel in Miami Beach?

Mr. HUNT. No, sir.

Senator TALMADGE. You did not.

Did you recruit Cuban employees at the Fontainebleu for possible intelligence activities within the hotel?

Mr. HUNT. They were not recruited, Senator. Mr. Barker and one of his associates, I believe, approached them with that in mind, but they were not recruited.

Senator TALMADGE. That was also aborted. Is that correct?

Mr. HUNT. Yes, sir. Mr. Barker and his friends were in jail by then.

Senator TALMADGE. Who gave the order to plan those activities?

Mr. HUNT. I did.

Senator TALMADGE. Thank you, sir. I have no further questions, Mr. Chairman.

Senator ERVIN. Senator Weicker.

Senator WEICKER. Mr. Hunt, when you were responding to the chairman's questioning, you made a statement that I would like to go back to, if I could, and ask you the following question: How did room 16, what was known as room 16 in the old Executive Office Building, know that Dr. Ellsberg had called a psychiatrist?

Mr. HUNT. On the basis of an FBI report.

Senator WEICKER. So this would be on the basis of a wiretap?

Mr. HUNT. That was my construction of the source of the report, Senator, based on my familiarity with the terminology and phraseology used when a telephone intercept is being disguised in a report that is for general dissemination.

Senator WEICKER. Are you aware of the fact that Mr. Liddy met with Mr. Mardian over at the Internal Security Division from time to time, on the Ellsberg matter?

Mr. HUNT. I knew that they were in frequent telephonic conversation, Senator. I may have been aware on occasion that they met face to face, but I have no specific recollection of it. They could very well have been.

Senator WEICKER. All right. I would like to begin, move over to the break-in at the Democratic headquarters and discuss certain aspects of that. I think you and other witnesses have given a complete tale as to what transpired. But there are two aspects of it that I have some questions on.

The first relates to the guilty plea of Mr. Barker and Mr. Sturgis, Mr. Gonzales, Mr. Martinez. There has been quite a bit of speculation and verbiage on that plea. Did you in any way, by virtue of your standing with these men, not by virtue of any specific instruction, but by virtue of the relationship which you enjoyed with these men, the confidence that these men had in you, the position of being their superior, intimate knowingly or unwittingly that they should go ahead and plead guilty?

Mr. HUNT. Your inclusion of the word "unwittingly" troubles me somewhat, Senator, because I have recently become aware of a motion filed by these four gentlemen which suggests that they pleaded guilty for, let us say, unwitting reasons. I never at any time ordered them, suggested to them—

Senator WEICKER. I understand.

Mr. HUNT [continuing]. That they should plead guilty. I stated my own case to Mr. Barker on one occasion, soon after my own decision was made to plead guilty, and they, unlike myself, had been caught on the premises redhanded; they followed their own course thereafter.

Senator WEICKER. Did you tell Mr. Barker that the evidence was overwhelming—in your conversation with Mr. Barker that the evidence was overwhelming—against him?

Mr. HUNT. I told him that the evidence was overwhelming against me in terms of the materials that had been found in and taken from my safe.

Senator WEICKER. Let me ask the following questions which somewhat relate to this area that you and I have started to touch upon, because certainly there have been very few redeeming features to the testimony that has been laid before the American people here by a succession of witnesses. There has been very little luck, I would say, in trying to get those responsible in whatever form to step forward and admit to their roles, if any, in the matter known as Watergate; and let me ask you the following questions: With respect to the three Cuban-Americans who participated in the Fielding-Ellsberg break-in, those three, in your opinion, did those men act reasonably in believing that the break-in was legal, based upon your apparent authority to direct them in such an operation?

Mr. HUNT. Yes, sir.

Senator WEICKER. With respect to the four Cuban-Americans who participated in the two Watergate Democratic National Committee break-ins, in your opinion, did these men act reasonably in believing

that those break-ins were legal, based upon your apparent authority to direct them in such an operation?

Mr. HUNT. Yes, sir.

Senator WEICKER. Are you now willing to accept responsibility for the activity of those Cuban-Americans in those break-ins, based upon the authority you represented yourself to have to direct such operations?

Mr. HUNT. Yes, sir.

Senator WEICKER. And isn't it fair to say, Mr. Hunt, based upon such things as your past knowledge of the President's speech of May 8, 1972, on the Haiphong mining, your White House office, your accessibility to high levels of Government, your visit to the Executive Office Building and its agencies, that the Cuban-Americans acted reasonably in believing that those break-ins were legal and that you had the authority to direct them?

Mr. HUNT. Yes, sir.

Senator WEICKER. Well, I thank you very much, because at least we have started, I think, from the bottom up, if nowhere else, to ascertain some of the beliefs which motivated the matters that have come before this committee. I thank you for your candor.

Is my time up now, Mr. Chairman?

Senator ERVIN. You have 2 more minutes.

[Off-the-record discussion.]

Senator ERVIN. The committee and the audience will be in order.

Senator Weicker.

Senator WEICKER. Just two brief questions on this section and then I am through, Mr. Chairman.

Having been closely associated with Mr. Liddy, can you give any indication to this committee as to why he has taken a position of absolute silence as to all these matters?

Mr. HUNT. May I consult with counsel, sir?

Senator WEICKER. Yes, indeed.

Mr. HUNT. Senator, this is a very personal thing because it involves an area of mutual trust, mutual—I won't use the word "confidence"—between Mr. Liddy and myself, but I would be very hesitant to address myself to it in a public forum without more thought than I can give it at the moment.

Senator WEICKER. Would you then say, and I understand why you cannot say, but would you be good enough to try to give it some thought this evening, and should we get together again tomorrow, I might ask the same question. If we don't, again I would hope we could get some response insofar as the committee is concerned.

Mr. HUNT. Yes, sir.

Senator WEICKER. Then lastly, during that time when you appeared before the grand jury—did you appear before a grand jury on the Watergate matter?

Mr. HUNT. Many times.

Senator WEICKER. During that period of time, did you have to be separated from Mr. Liddy while in prison?

Mr. HUNT. A separation order was entered by the prison authorities.

Senator WEICKER. By the prison authorities; not at your request?

Mr. HUNT. Not at my request.

Senator WEICKER. OK.

I have no further questions at this time, Mr. Chairman.

Senator ERVIN. Senator INOUE.

Senator INOUE. Thank you, Mr. Chairman.

Mr. Hunt, during your association with the White House, were you made aware of plans to burglarize and then firebomb the Brookings Institution in pursuit of the papers of Dr. Ellsberg?

Mr. HUNT. No, sir.

Senator INOUE. Did Mr. Colson suggest to you or direct you to retain the services of the Cuban-Americans to guard the remains of Mr. Hoover?

Mr. HUNT. Mr. Liddy did that, sir.

Senator INOUE. This was not for Mr. Colson?

Mr. HUNT. No, sir.

Senator INOUE. Mr. Strachan, in his testimony earlier this year, testified that there was an office of dirty tricks in the White House. Were you made aware of the office of dirty tricks?

Mr. HUNT. No, sir, not by that name.

Senator INOUE. What was the name?

Mr. HUNT. I am not aware of an office of dirty tricks by any name. I thought that you might have a name that I could relate to.

Senator INOUE. Was there a so-called attack group that met every morning at 9:15 a.m.?

Mr. HUNT. Not to my knowledge, sir.

Senator INOUE. Yesterday, you mentioned the two words, "sterile phone." I have an idea what you meant by sterile phone. How does one go about acquiring a sterile phone and what is a sterile phone?

Mr. HUNT. This is a CIA and FBI practice; perhaps Treasury and other investigative agencies utilize it as well. I don't know the mechanical processes through which our Government agencies are able to acquire them, but a sterile phone is one which, for example, is used at one location and billed at another.

For example, I suppose our most recent instance falling within the purview of this committee has to do with the so-called sterile phone which was installed in room 16. This was not a true sterile phone, because the actual owner or renter of the telephone could have been and was determined to be, that is, Miss Kathleen Chenow. That was not a true sterile phone. That was an inept substitute for a sterile telephone.

Senator INOUE. In the matter of your safe in the White House, you have testified that Mr. Colson's secretary was aware of the combination?

Mr. HUNT. Yes, sir.

Senator INOUE. And also the Secret Service?

Mr. HUNT. Yes, sir.

Senator INOUE. When the safe was being drilled open, were members of the Secret Service present?

Mr. HUNT. I have no knowledge of those circumstances, Senator.

Senator INOUE. Testimony was received indicating that Secret Service men were observing the drilling of your safe.

Mr. HUNT. I am not aware of that.

Senator INOUE. Do you have any idea why Mr. Colson's secretary or the Secret Service did not advise the FBI of the combination?

Mr. SACHS. Excuse us, please.

Mr. HUNT. Senator, I would like, if I might, to preface my response by saying that I have never heard at any time, although you may have testimony to this effect, that there was in fact any member of the Secret Service present at the time my safe was drilled open. I have understood that this took place in the basement of the old Executive Office Building, that it was done by a member of the GSA at the instance of John Dean in an obvious clandestine operation to keep it away from, let us say, more legally constituted investigators.

Senator INOUE. When you were questioned by the FBI, did the agent ask you anything about the contents of the safe?

Mr. HUNT. I don't recall being questioned by the FBI in that context, sir. I was questioned very little by the FBI.

Senator INOUE. When were you first made aware of missing documents in the safe?

Mr. HUNT. To the best of my recollection, sir, it was at the time of discovery by the Government in connection with the indictments and pending trial.

Senator INOUE. Did you so advise the Government of the missing documents?

Mr. HUNT. I advised them of two.

Senator INOUE. Of two?

Mr. HUNT. Yes, sir.

Senator INOUE. What two were they, sir?

Mr. HUNT. They were two notebooks which appeared in our motion for suppression.

Senator INOUE. Were there any others missing?

Mr. HUNT. Yes, sir.

Senator INOUE. What were they, sir?

Mr. HUNT. May I refresh my recollection?

Senator INOUE. Yes, sir.

Mr. HUNT. Certainly there were items that L. Patrick Gray III, has conceded having received from the hands of John Dean and/or John Ehrlichman. He has specified that one envelope contained a fabricated cable or a cable later identified as fabricated. There are the two notebooks that I have previously mentioned.

Second, I also made note of the fact, a mental note of the fact, that there was missing from the documents which were exposed to me by the Department of Justice at the time of discovery, that there was no folder containing the chronological notes that I had made following each meeting with Mr. Liddy which dealt with the Gemstone plan. These were rough notes. I never saw those at any time.

Third, when the attaché case of Mr. McCord was opened for my view at the time of discovery, I noticed that the group of surgical gloves, which I had last seen in the attaché case when it was in my safe at the White House, that those gloves were missing from the attaché case and were not otherwise enumerated in the inventory subsequently provided by the FBI.

And, of course, there may have been many other things. I did not maintain an index of the contents of my safe.

Senator INOUE. And my final question, Mr. Hunt: In response to one of my questions, you said that you went to Denver, Colo., somewhere to meet with Mrs. Dita Beard to determine, first, her reasons for leaving Washington. Weren't you aware at that time that Mr. G. Gordon Liddy had escorted Mrs. Dita Beard out of Washington?

Mr. HUNT. I was not aware then, and I am not to this day aware that such took place, Senator.

Senator INOUE. Did Mrs. Beard tell you how she got out of Washington?

Mr. HUNT. She did not.

Senator INOUE. Did she tell you why she left Washington?

Mr. HUNT. She alluded to it in response to my question.

Senator INOUE. What was her response, sir?

Mr. HUNT. She said in effect, and again let me stress that she seemed to be under sedation and was from time to time in need of oxygen, she put it that there was nobody she could trust, that she felt the only thing she could do was to run away from what she interpreted to be a hostile environment. I don't know if any memorandum stated it in those terms.

Mr. Lenzner, do you have a copy of that memo?

Mr. LENZNER. Of the memo on Dita Beard?

Mr. HUNT. My eight-page memo. Did I see you referring to it?

Mr. LENZNER. No; this isn't it. If you are referring to the memo on Dita Beard, we have made a request to Mr. Cox's office for that. We have not received it.

Mr. HUNT. Again I hate to go into details of an incident that took place a long time ago when there is hard evidence, a document that I myself wrote just hours after I returned from Denver.

Senator INOUE. In questioning Mrs. Beard, you indicated that you met with her from 11 o'clock to about 3:30 in the morning.

Mr. HUNT. A rough estimate, sir.

Senator INOUE. How did you convince the doctor that it was important for you to meet Mrs. Beard?

Mr. HUNT. I believe those representations had been made before I embarked on my trip by her daughter.

Senator INOUE. Thank you very much, sir.

Thank you, Mr. Chairman.

Senator ERVIN. Senator Baker.

Senator BAKER. Mr. Chairman, thank you very much.

Mr. Hunt and Mr. Chairman, I apologize for being absent during much of the afternoon but as I indicated to the chairman earlier, the

Senate was in executive session on a matter relating to the Trident submarine. I have one or two other questions that I understand you have indicated a willingness to discuss in executive session and I expect we may call you for that purpose but not at this time and under those circumstances and with that agreement, Mr. Chairman, I have no further questions at this time.

Senator ERVIN. Senator Gurney.

Senator GURNEY. Just two quick questions, Mr. Chairman.

Is it true, my understanding, that the break-in of the Democratic headquarters, Mr. Hunt, was not a part of the original Gemstone plan, is that correct?

Mr. HUNT. Rather than give you a yes or no, Senator, and I again beg your indulgence in this matter, the original Gemstone plan took into consideration and budgeted for electronic surveillance and entry operations.

Senator GURNEY. But no specifics as to what place was to be entered or broken into?

Mr. HUNT. Not at that time; no, sir.

Senator GURNEY. The first you heard about it was when Mr. Liddy told you in April 1972, is that a fact?

Mr. HUNT. At about the time that he introduced me to Mr. McCord; yes, sir.

Senator GURNEY. Did he tell you at that time who authorized the break-in; who directed him to do this break-in?

Mr. HUNT. I am trying to reconstruct his words, I have not ever been asked this question before, to the best of my recollection, Senator. It took place one afternoon, he came to my office, and said, "Guess what we are going to hit," or words to that effect. I said, "Where?" and he said "DNC headquarters." And I assumed that, again if assumptions are permissible at this point, that his principals were and continued to be the Attorney General, the former Attorney General, and Mr. Jeb Stuart Magruder.

Senator GURNEY. Did he mention to you that "Mr. Magruder has ordered us to do this as our next job"?

Mr. HUNT. No, sir, he did not.

Senator GURNEY. Did he mention to you that "John Mitchell has instructed us to do this as our next operation"?

Mr. HUNT. No, sir; but on the occasion of the second entry against which I argued so vociferously over a period of 3 days, he indicated to me in the strongest terms that it was Mr. Mitchell who was insistent upon the second entry.

Senator GURNEY. What about the McGovern attempted break-in? I understand it really was not broken into, but there still was a plan perhaps to go into that—that is correct, is it not?

Mr. HUNT. Yes, sir.

Senator GURNEY. Did he tell you who ordered that?

Mr. HUNT. No, sir.

Senator GURNEY. Now, you also mentioned in connection with the break-in at the Democratic national headquarters that this involved national security, at least you thought it did because a reason given



for this was to find out if the Democrats were perhaps receiving money from Cuba, is that not correct?

Mr. HUNT. Yes, sir.

Senator GURNEY. Well, did he go into any details—Liddy, I mean—in discussing this with you where he got this information? I think you said from a Federal agency, but can you amplify on that?

Mr. HUNT. I cannot, sir. Mr. Liddy frequently provided me with bits of information during the course of our dealings, and I could even refer to the Las Vegas Greenspun matter in which he came back to me and said that he had received high level, if you will, confirmation of the fact that such a rumor was adrift around Las Vegas, and I took that also to be derived from a Government agency.

I felt that Mr. Liddy, in view of our intelligence, our professional intelligence relationship, would relate to me such material as I needed to know on the basis of need to know, and exclude me from information that was not required in the performance of my duties.

Senator GURNEY. Did you get the idea when he mentioned that he was looking for Cuban money that this was a rumor or he had received hard evidence from somebody that money was coming in from Cuba?

Mr. HUNT. That he had received hard evidence. It was when I put the proposal to Mr. Barker subsequent to my conversation with Mr. Liddy and prior to the actual entry operation itself, Mr. Barker said, "The rumor is all over Miami, you do not need to tell me any more. I understand the whole thing."

Senator GURNEY. You are saying that Mr. Barker had heard this, too.

Mr. HUNT. That is the impression I had. It came very strongly from Mr. Barker.

Senator GURNEY. Did you try to elicit from Mr. Barker whether there was any factual evidence behind it or whether it was just a rumor?

Mr. HUNT. No, sir.

Senator GURNEY. That is all, Mr. Chairman. I don't have any further questions.

Senator ERVIN. Senator Montoya.

Senator MONTOKA. Mr. Hunt, you executed an affidavit indicating that Mr. Colson did not know anything about Watergate, on June 17, 1972. Was this at Mr. Bittman's office?

Mr. SACHS. Excuse me, Senator, I think that is a wrong date. I think that is April. I may be mistaken.

Mr. LENZNER. It is April 1973, Mr. Sachs, the date of the affidavit.

Senator MONTOKA. It was April 5, you are correct, 1973.

Mr. SACHS. The June date does appear in the affidavit, but it isn't the date it was executed.

Senator MONTOKA. Yes. Did you execute such an affidavit?

Mr. HUNT. I did, sir.

Senator MONTOKA. Was Mr. Bittman your attorney at the time?

Mr. HUNT. He was.

Senator MONTOKA. And was Mr. Shapiro present?

Mr. HUNT. No, sir. In answer to your prior question, Senator, the affidavit was executed in the basement of the Federal courthouse in Washington, D.C., in one of the attorney-client consultation rooms, and this was done just prior to my appearance before the Federal grand jury.

Senator MONTROYA. Why did this affidavit have to be executed at that particular time?

Mr. HUNT. I don't know.

Senator MONTROYA. Now, doesn't this tie in with the telephone conversation that you had with Mr. Colson where he attempted several times to close the Watergate insofar as conversation on your part was concerned?

Mr. HUNT. It relates to it certainly. I didn't have it in my mind at that particular time.

Senator MONTROYA. Well, was this affidavit really necessary?

Mr. HUNT. Well, evidently it was necessary to Mr. Colson.

Senator MONTROYA. Was he in doubt about your firmness with respect to the fact that he was not involved?

Mr. HUNT. Senator, I think it might be helpful for all concerned if I explained very briefly the circumstances leading up to the signing of the affidavit.

Senator MONTROYA. All right.

Mr. HUNT. I was with counsel, Mr. Bittman, and Mr. Austin Mitler in the basement of the Federal courthouse in an attorney-client consultation room prior to an official appearance I was about to make. We were discussing a number of matters, and Mr. Bittman produced either this document or a prior draft of it, and asked me, and told me, in effect, that he had received this from the Colson office—and the question—the Colson office, Mr. Colson then being in private practice—was whether I would have any difficulty or any objection to signing it. I read it over and said I would have none and if it would be of any assistance, and it was no more than the truth, I would be willing to sign it, which I then did.

Senator MONTROYA. You have indicated and you have so testified that you assumed Mr. Liddy had received information from Government agencies that an attempt would be made to desecrate J. Edgar Hoover's remains by peaceniks, is that what you testified to?

Mr. HUNT. Yes, sir.

Senator MONTROYA. Then it was arranged for Cubans to come into Washington to guard the remains here. Was that also your testimony?

Mr. HUNT. Yes, sir.

Senator MONTROYA. Why was it necessary to do so, and why was it necessary to use political funds for this purpose when there were quite a few Government agencies here capable of doing that work?

Mr. HUNT. Again, Senator, I would answer in the context of a requirement being laid upon me by Mr. Liddy.

Senator MONTROYA. Well, didn't it strike your curiosity that this was being done? Why was it so necessary?

Mr. HUNT. Not really. He conveyed a sense of considerable urgency to me. He particularly spoke about the unfurling of a Vietcong flag and a desire that that be taken away from the demonstrators, and—

Senator MONTROYA. Now, one final question: Do you definitely state to this committee that there was no offer of clemency made to you since June 17 up to the present time?

Mr. HUNT. I so state.

Senator MONTROYA. Did you have any conversation with anyone at the White House or at the CRP or any conversation communicated to any of these people through your attorney, Mr. Bittman, or his successor, with respect to clemency?

Mr. HUNT. No, sir.

Senator MONTROYA. Mr. Dean has testified here that there was an offer of clemency made to you, and that the President had authorized such offer to be made to you, and it has also been testified here previously by Mr. Caulfield, by Mr. Dean, that offers of clemency were communicated from higher—people who were in the upper echelons at the White House—that clemency would be extended to Mr. McCord.

Are you aware of that situation?

Mr. HUNT. I am aware of such testimony, sir.

Senator MONTROYA. Yes. Did it appear to you unusual that you did not receive such offers?

Mr. HUNT. When I heard Mr. Caulfield testifying to his efforts to get Mr. McCord to contemplate the reception of Executive clemency, I felt, I believe, an understandable sense of envy.

Senator MONTROYA. Did you recruit any of the Cubans for the Democratic National Convention at Miami?

Mr. HUNT. The Cuban-Americans with whom I was in contact were to be, were to have been, involved during the Democratic National Convention in Miami. Is that responsive to your inquiry, Senator?

Senator MONTROYA. Well, did you go around and try to recruit anyone in Miami for certain tasks during the Democratic National Convention?

Mr. HUNT. I personally? Not to the best of my recollection.

Senator MONTROYA. Did you use an alias in Miami prior to the Democratic National Convention, an alias of Edwardo?

Mr. HUNT. Yes, sir.

Senator MONTROYA. For what purpose did you use this alias?

Mr. HUNT. That was a hangover from the Bay of Pigs days.

Senator MONTROYA. Well, what was your mission and when did you use this alias in Miami?

Mr. HUNT. I used that in 1960-61.

Senator MONTROYA. You didn't use it prior to the Democratic—immediately prior to the Democratic National Convention?

Mr. HUNT. I was introduced from time to time by Mr. Barker to certain Cuban exiles who—Mr. Barker would, on that occasion would say, "That is Edwardo."

Senator MONTROYA. Why were you being introduced to these Cuban exiles as Edwardo?

Mr. HUNT. To indicate—in a nutshell—who I was and what I represented.

Senator MONTROYA. I didn't hear you.

Mr. HUNT. To indicate in very brief form who I was and what I represented.

Senator MONTROYA. There was no attempt upon your part to recruit them for any specific task?

Mr. HUNT. I recall none, no, sir. My recruitment efforts were through Mr. Barker.

Senator MONTROYA. Did you ask Mr. Martinez to perform any tasks for you by way of recruitment for any specific purposes?

Mr. HUNT. No, sir, I had my dealings according to established pattern through Mr. Barker. Whatever I needed or wanted done I would turn to Mr. Barker. How he accomplished it was up to him.

Senator MONTROYA. That is all, Mr. Chairman.

Thank you.

Senator ERVIN. You said that the surreptitious entry into Dr. Fielding's office was successful but not productive. What do you mean by that?

Mr. HUNT. Well, it was successful, sir, in the sense that we determined that, first, nobody was caught, there was no problem. We determined that there were no files. So we went, looked in a different direction, then submitted a second request to the CIA for a more in-depth profile.

Senator ERVIN. Then you got no data in Dr. Fielding's office?

Mr. HUNT. I am sorry, sir?

Senator ERVIN. You got no information in Dr. Fielding's office?

Mr. HUNT. None at all, no, sir.

Senator ERVIN. Now, what information did you get by photography in the Democratic national headquarters?

Mr. HUNT. I know that approximately 38 photographs were taken and developed. I simply turned those over to Mr. Liddy upon their having been developed and enlarged. These seemed to consist mostly of materials that were lying on the table tops of different officials of the Democratic National Committee. They had some names. There were offers of assistance, offers of contributions, persons who wanted to become associated with the campaign in one fashion or another.

Senator ERVIN. Now, I want to call your attention to the Colson recording of his conversation, of your conversation with him. On page 5, in the first paragraph there, where you are talking, in the fifth line, you have a statement: "That is fine for we are protecting the guys who are really responsible."

What do you mean by that?

Mr. HUNT. Well, that by the exercise of our constitutional right to remain silent.

Senator ERVIN. Yes. In other words, by keeping silent, you were telling Mr. Colson that you were protecting the guys that were really responsible and you were protecting them by keeping silent?

Mr. HUNT. Yes, sir; by the exercise of our constitutional right to remain silent prior to trial.

Senator ERVIN. Now, a little further down in that same statement, you say:

But now that that is . . . and, of course, that is a continuing requirement, but at the same time, this is a 2-way street and as I said before, we think that now is the time when a move should be made and surely the cheapest commodity available is money. These lawyers have not been paid, there are large sums of money

outstanding. That is the principal thing. Living allowances which are due again on the 31st of this month, we want that stuff well in hand for some months in advance. I think these are all reasonable requests. They are all promised in advance and reaffirmed from time to time to any attorney and so forth, so in turn I have been giving commitments to the people who look to me.

Then a little farther down you say :

So, Parkinson is out of town until next Monday, at which time a memorandum is going to be laid on him and he is going to be made aware.

Now, does that not say, in short, that you all were protecting the people who were really responsible for the Watergate affair, but that was a 2-way street and that you all were expecting to receive defense funds and money allowances for so doing?

MR. HUNT. That is a double-barreled question, Senator. Would you permit me to consult with counsel?

Senator ERVIN. Yes, sir.

Does any other Senator have any questions?

MR. SACHS. May we have one second to confer here?

What we are conferring about is whether we should ask for a short break or whether the committee wants a short break and whether it is anticipated that we will finish today or not.

Senator ERVIN. I was just trying to find that out.

Does any other Senator have any other question?

Senator WEICKER. I have one last series of questions.

Senator ERVIN. Senator Weicker says he has a question. The other Senators say they have none.

Senator WEICKER. Mr. Hunt, I am going to ask you, with a different name interposed, the exact same question I asked you before, and specifically, my question is this: Who, Mr. Hunt, should I ask the following question of? With respect to Howard Hunt, who participated in the Fielding-Ellsberg break-in; in your opinion, did this man act reasonably in believing that the break-in was legal, based upon your apparent authority to direct them or direct him in such an operation?

Of whom should I ask that question, Mr. Hunt? I am trying to work this from the bottom up, and so forth, we have made one stride and I would like to make another, if I can. We are now talking about the Fielding-Ellsberg break-in.

In respect to Howard Hunt, who participated in the Fielding-Ellsberg break-in; in your opinion, did this man act reasonably in believing that he acted upon your authority to direct him in such an operation? Of whom should I ask that question?

MR. HUNT. Either Egil Krogh or John Ehrlichman.

Senator WEICKER. Whom should I ask this question of?

In respect to Howard Hunt, who participated in the two Democratic National Committee Watergate break-ins; in your opinion, did this man act reasonably in believing that these operations were legal based upon your authority to direct him in such an operation? To whom should I direct that question?

MR. HUNT. To G. Gordon Liddy, John W. Dean, Jeb Magruder, and John N. Mitchell. And perhaps Charles Colson.

Senator WEICKER. Now, Mr. Hunt, my last question relates to the moneys that have been paid over a period of time to Mr. Bittman or to yourself or to Mrs. Hunt. Really, I only have two questions: No. 1, on March 20—do you have a copy of this before you, Mr. Hunt, where you can read it easily?

Fine. That document you have before you is a photograph of the chart\* there.

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\*See p. 3799.

## CASH TRANSACTIONS

HUNT VERSION

July 3, 1972	Hunt to Bittman	\$ 1,000	Retainer
July 1972	Ulasewicz to Mrs. Hunt	1,000	Bail for Mrs. Hunt
July 7, 1972	Ulasewicz to Bittman	25,000	Legal fees
July-Sept 1972	Ulasewicz to Mrs. Hunt	30,000	Subsistence
Oct. 13, 1972	LaRue to Bittman	20,000	Legal fees
Dec., 1972	LaRue to Bittman to Hunt	15,000	\$12,000 to Arttime
			\$ 3,000 to Hunt
Feb., 1973	LaRue to Bittman to Hunt	50,000	Legal fees already
			paid by Hunt
March 20, 1973	LaRue to Bittman to Hunt	75,000	Retained by Hunt
			in cash
April 1973	Hunt to Bittman	60,000	Legal fees
	Totals: Bittman	156,000	Legal fees
	Hunt	45,000	Subsistence
		3,000	Reimbursement
		1,000	Bail

ULASEWICZ-LARUE VERSION

July 7, 1972	Ulasewicz to Bittman	25,000	Legal fees
July, 1972	Ulasewicz to Mrs. Hunt	1,000	Bail for Mr. Hunt
July-Sept. 1972	Ulasewicz to Mrs. Hunt	30,000	Subsistence
Sept.-Oct. 1972	LaRue to Bittman	25,000	
Dec., 1972	LaRue to Bittman	50,000	
Jan., 1973	LaRue to Bittman	60,000	
March 20, 1973	LaRue to Bittman	75,000	
	Totals: Ulasewicz to Mrs. Hunt	31,000	
	Ulasewicz to Bittman	25,000	
	LaRue to Bittman	210,000	
	LaRue & Ulasewicz delivered	266,000	
	Hunt accounts for	217,000	
	Discrepancy	\$ 49,000	

On March 20, 1973, Mr. LaRue gives \$75,000 in cash to Mr. Bittman, who in turn turns that money over to you.

In April of 1973, you write out two checks to Mr. Bittman, a total of \$60,000, for legal fees. I believe you have indicated to this committee that that money came from the insurance proceeds emanating from your wife's death, if I am not mistaken. But why would you retain \$75,000 in cash?

Mr. HUNT. In terms of what?

Senator WEICKER. Why did you not just deposit the \$75,000 in cash and write out the two checks if in fact this money was for legal fees, write out two checks to Mr. Bittman in the amount of \$60,000 in order to go ahead and pay the legal fees?

Mr. HUNT. I already had money on deposit, Senator.

Senator WEICKER. I beg your pardon?

Mr. HUNT. I said I already had money on deposit.

Senator WEICKER. Well, when Mr. Bittman turned the \$75,000 over to you, what was that money for?

Mr. HUNT. I construed \$60,000 of it as being for legal fees.

Senator WEICKER. Why did Mr. Bittman not just retain the \$60,000?

Mr. HUNT. His firm had expressed concern to him about receiving cash payments for my account.

Senator WEICKER. Why did you not give him a check right away? You said you had the money on deposit. By that time, the insurance proceeds had already been deposited.

Mr. HUNT. That was—I probably received the money from him on the morning of the 21st. That would be my guess, the 21st of March. I was incarcerated on the 23d, Senator. I knew I had the money to cover the charges; Mr. Bittman knew that I had it. I was anxious to spend as much time as I could with my children. It just simply did not come up. It was not a priority item.

Senator WEICKER. Am I correct in stating that it was only a week before that you went to Mr. O'Brien and Mr. Shapiro to indicate to them that Mr. Bittman's fees were a priority item?

Mr. HUNT. Yes, sir. Now, I had the money in hand. It was no longer a priority item with me. Mr. Bittman knew that he was going to be paid one way or another. It was my problem to get paid by others, to be reimbursed.

Senator WEICKER. I am not so sure that that elicited the type of response that would satisfy me, Mr. Hunt, but I find it very strange that on March 20 or March 21, you receive \$25,000, yet it is not until April that Mr. Bittman's additional fees of \$60,000 are paid to him, when, in fact, this was very much of a priority item in the way you put it to Mr. O'Brien and Mr. Shapiro. Why retain \$75,000 in cash? Is this \$75,000 still in cash?

Mr. HUNT. What little remains of it; yes, sir.

Senator WEICKER. Can you explain to me the apparent discrepancy between the version of moneys which you have given to this committee which total \$156,000 and the version of Mr. Ulasewicz and Mr. LaRue, which indicate that \$266,000 were delivered? There is a discrepancy there of \$49,000.

Mr. HUNT. I don't believe your question is clear to me, Senator.



Senator WEICKER. I beg your pardon. You account for a total of moneys delivered to either Bittman, yourself, or Mrs. Hunt of \$217,000. Two other witnesses, Mr. Ulasewicz and Mr. LaRue, account for a total of \$266,000 which were delivered—was delivered—to Bittman and to Mrs. Hunt. There is a discrepancy there of \$49,000 between the two versions.

Mr. HUNT. Let me say at the outset, Senator, that I have no knowledge, or never did at any time, of the amounts of money that my wife—my late wife—might have received from Mr. Rivers. Therefore, not having that basis to start on, it is very difficult for me to attempt to rectify or adjust the discrepancy.

Mr. SACHS. Senator Weicker, would you be good enough, in order that my understanding of this document be clear, to describe how the totals of \$217,000 and \$266,000 are arrived at?

Are there certain figures that enter into those totals? Or rather, do such figures appear here?

Senator WEICKER. These figures ought to appear as we have gotten them from these individuals.

Mr. SACHS. It is the totals I can't quite follow, and therefore, I can't quite understand where we are.

Mr. HUNT. For example, Senator—

Senator WEICKER. Under the subtotals, we have Ulasewicz giving to Mrs. Hunt \$33,000 and Mr. Ulasewicz to Mr. Bittman \$25,000 and Mr. LaRue to Mr. Bittman \$210,000.

Mr. SACHS. That \$266,000, then, is a total of the three numbers above it?

Senator WEICKER. That is correct.

Mr. SACHS. Right. Then how do we get the \$217,000?

Senator WEICKER. That would be the total of the figures under the heading "Hunt Version," less the \$12,000 that went to Mr. Artime.

Senator ERVIN. If the Senator will pardon me, the committee has a statement that Mrs. Hunt received \$141,500, and Mr. Hunt says he received \$50,000 in February, I believe it was, and \$75,000 on or about March 21. If you add those three figures together, it makes \$266,500, which is just a \$500 difference between that and what Mr. Ulasewicz and Mr. LaRue say.

Mr. SACHS. I don't yet understand—and perhaps it could be straightened out later, but I could follow this better if I could know where the 217 comes from. I total the 156, 45, 3, and 1 as \$205,000. You take 12 off that and you still don't get—oh, it is added on. It is added on to that.

Senator WEICKER. That is correct. The totals, in other words, of \$156,000 to Bittman, additionally, \$45,000 to Mrs. Hunt for subsistence, \$3,000 reimbursement, \$1,000 bail and the \$12,000 that went to Mr. Artime.

The addition to Mr. Artime is 12, and that should give you 217.

Mr. HUNT. Senator, as I have stated before on many occasions, and I say this with full deference, I have very limited knowledge concerning the financial transactions that took place between June 17 and the death of my wife. Let us go to July 3, 1972, of the Hunt version. The \$1,000 that I paid Mr. Bittman on that occasion is money that I

had taken from my White House safe some days earlier. That was provided me by Mr. Liddy. I am aware of that \$1,000.

Senator ERVIN. That is a vote. I think we had better decide.

Senator WEICKER. I am through with my questioning, Mr. Chairman. I have posed the question—you have these figures before you and I would very much like a response. It does not have to be a verbal response at this time as to any explanation as to the figures which I have given you. The fact is that there is a discrepancy and I in no way mean to imply that the discrepancy, in other words, is the result of any wrongdoing of this witness at all.

Mr. HUNT. I appreciate that.

Senator WEICKER. I am just trying to resolve in my mind different sets of figures that have been given to this committee and admittedly, the problem of the receipt at the tail end of \$75,000 and the turnback of \$60,000 to Attorney Bittman. And I must confess in conclusion, that I find the \$156,000 to be unusual, in light of the fact that, to the best of my knowledge, up to this point in time, the total legal fees of the four Cubans—and this would include service by both Mr. Rothblatt and Mr. Schultz—amount to \$36,000 for the exact same charges, except multiplied by 4 insofar as the clients are concerned.

Mr. SACHS. Mr. Chairman, before you adjourn, I just want to say that there may have been a question about a reply that the witness gave to the chairman's question a few minutes ago about his conversation with Mr. Colson, of which there is a record here, and the interpretation of it. I don't want to hold the committee now, but I just want the record to show that we may want to come back to that and make it clear.

Senator ERVIN. Do you all wish to come back in the morning or do you want to come back and finish this evening?

Mr. SACHS. Mr. Hunt says he would rather stay, Mr. Chairman.

[Recess.]

Senator ERVIN. The committee will resume.

Mr. SACHS. You may remember that when we recessed a few minutes ago I said there was a question, about a question, that Senator Ervin had asked and the answer that may have been given and we did not have an opportunity during the intermission to have the question read and the answer read by the reporter but we would like very much to. We fear that Mr. Hunt gave an inaccurate answer. So with your permission, I would like to ask the reporter to read Senator Ervin's question and Mr. Hunt's answer. It is the one that, in which Senator Ervin read from page 5 of the transcript of the November 1972 telephone conversation between Mr. Hunt and Mr. Colson. May we do that?

Senator ERVIN. Yes. Read the question and the answer.

[The reporter read the question and answer.]

Mr. SACHS. I do not think that is the question.

Senator ERVIN. It is the next one.

[The reporter read the next question and answer.]

Senator ERVIN [reading]:

Now that is that and, of course, there is a continuing requirement but at the same time this is a two-way street and, as I said before, we think that now is the time when a move should be made and surely the cheapest commodity avail-

able is money. These lawyers have not been paid their large sums of money outstanding. That is the principal thing. Living allowances which are due again on the 31st of this month, we want that stuff well in hand for some months in advance. I think these are all reasonable requests. They were all promised in advance and reaffirmed from time to time by my attorney, and so forth, so in turn I have been giving commitments to the people who look to me.

And then I called attention to the fact a little further down he said:

So Parkinson is out of town until next Monday at which time a memorandum is going to be laid on him and he is going to be made aware of them.

I believe my question was, was this a two-way street? In return, they were going to keep silent and protect the people who were really responsible and they were expecting to be given their lawyer fees and support money in return, and I believe he said, yes.

Mr. SACHS. And I believe he wants to amplify that answer, if not, indeed, correct it.

Mr. HUNT [conferring with counsel]. To the extent, Mr. Chairman, that my response indicated that there was a quid pro quo, that is, silence in return for money, that is inaccurate, and I wish the record to so reflect it. That was not my intent at the time. I was stating one situation and I was stating another situation.

Senator ERVIN. Well, you were saying it was a two-way street, in other words, you pointed out that you—that the parties involved were protecting the people who were really responsible and you say that they were protecting them by keeping silent, by exercising their fifth amendment right not to incriminate themselves. But you say that is a two-way street, and “we need the money to pay lawyer fees and we need support money.”

Now, I would infer from that, do you not think it is fair to infer that you were talking, you were traveling one side of the street keeping silent, and you thought they would come down and bring the money on the other side to you in return?

Mr. HUNT [conferring with counsel]. I would certainly accept your interpretation of this, Senator Ervin, with the proviso that it not be further inferred that there was payment of any sort being made in terms of silence or the exercise of fifth amendment rights by myself or any of the other defendants acting individually on advice of counsel.

Senator ERVIN. But you did keep silent, Liddy kept silent, Barker kept silent, Sturgis kept silent, Martinez kept silent.

Mr. HUNT. The four of them.

Senator ERVIN. And Gonzales kept silent and, as a result, nothing came out about Magruder's involvement, about Mitchell's involvement, about the involvement by anybody else in the Committee To Re-Elect the President or the White House aides.

Mr. HUNT. That is true, Senator.

Senator ERVIN. Yes.

Mr. HUNT. Although we knew from October on, at a time, well, pre-dating this conversation with Mr. Colson, that the U.S. attorneys had specified that there was going to be a grand jury, we were going to be given, granted immunity and required to answer.

Senator ERVIN. Yes.

Mr. HUNT. As in fact occurred.

Senator ERVIN. And you all kept silent and they paid, according to the evidence we have adduced, \$266,000 in attorney fees and support money.

How did you know in advance there would be another grand jury?

Mr. HUNT. As of October, Mr. Silbert, I believe, had informed all interested parties that that was the intention of the Government.

Senator ERVIN. Did not Mr. Silbert also state in his argument to the jury they had no evidence anybody was involved except the seven on trial?

Mr. HUNT. Well, I was not—I did not take part in the trial, sir; I did not know.

Senator ERVIN. You were there in the courtroom, were you not, when they were arguing the case?

Mr. HUNT. I was there principally for his opening statement.

Mr. SACHS. Mr. Hunt pleaded guilty, as I understand, right after the opening statement.

Senator ERVIN. Yes. That is all.

Mr. DASH. Mr. Hunt, during the time that you had the assignment under Mr. Colson to investigate the background of either the Pentagon Papers leak or Mr. Ellsberg, did you keep a chronology of your findings on Mr. Ellsberg?

Mr. HUNT. I had a chronology made from available materials; yes, sir.

Mr. DASH. Did you include in that chronology all the significant findings that you were able to find on Mr. Ellsberg?

Mr. HUNT. Those that have been made available to me; yes, sir.

Mr. DASH. Now, you have testified—by the way, you have been given a copy of that chronology which was found in your safe and which the committee has been able to obtain from the special prosecutor.

Now, you have indicated that you were informed, and I think you said your recollection is from Mr. Krogh, that Mr. Ellsberg was believed to have given these Pentagon papers to the Soviet Embassy, Soviet authorities. Is that a matter that you would have found significant and would have put in your chronology?

Mr. HUNT. My chronology, Mr. Dash, only goes as far as August 12, 1971. We did not make our preliminary survey until some time after that.

Mr. DASH. If you will notice at the very end, the next page, if you have it, there is a handwritten note, November 12, 1971. In fact, there are some hand—you have August 12, is at the bottom of the page, and in the very next page is November 12, 1971.

Mr. SACHS. I do not think he has that page.

Mr. DASH. He doesn't have that page. Apparently that page was not attached to the copy you got, but the copy that was obtained from your safe, that was in the special prosecutor's office, goes up to November 1971. Did you learn of that information by November?

Mr. HUNT. The information concerning the possible passage of classified information?

Mr. DASH. Yes, to the Soviet authorities or the Soviet Embassy?

Mr. HUNT. We would have learned that prior to the decision to enter Doctor Ellsberg's—Doctor Fielding's premises.

Mr. DASH. I take it you would consider that a significant finding about Dr. Ellsberg?

Mr. HUNT. Yes, sir.

Mr. DASH. And therefore, would you not have, if you so learned, put it in that chronology?

Mr. HUNT. Well, I don't know that I didn't, sir.

Mr. DASH. Fine. I will just state we have examined it and did not find it and would you please, not now, if you don't have the time, but you take a look at it and if you find any item that refers to it would you please, through your counsel, let us know so that we can correct the record. We have thoroughly studied it and do not find any item that refers to such information.

Mr. HUNT. Yes, sir. I don't recall having made such a notation, point 1. On the other hand, I would like to draw the committee's attention to the fact that one page of my chronology ends on August 12, 1971, and picks up again on another page which may or may not be the next page on November 12, 1971. So it is a question of whether there is an accurate sequence here or not. And as you say, we recovered, or this material was recovered from my safe.

Mr. DASH. Do you know about when you would have received that information?

Mr. HUNT. In August 1971.

Mr. DASH. Now, in your efforts to obtain from the CIA a psychiatric profile, did you have occasion to deal, I think you so testified, with Dr. Malloy?

Mr. HUNT. Yes, sir.

Mr. DASH. I would like to show you an affidavit prepared by Dr. Malloy—do you have a copy, Mr. Sachs? We are giving you one right now anyhow. This affidavit is an effort by Dr. Malloy to give information concerning the preparation at your request, Mr. Young's request, of a psychiatric profile, and I wish you to turn to page 2 of the affidavit, and if you will go to somewhere about the middle of the page where it says "Later on Mr. Howard Hunt joined the group," do you see that?

Mr. HUNT. I see it.

Mr. DASH. May I read it to you.

Later on Mr. Howard Hunt joined the group. Mr. Hunt recognized me, being a former Agency employee, and we greeted cordially. Mr. Hunt amplified on Mr. Young's comments and stated it was his wish to "try Dr. Ellsberg in public." Other comments were made by Mr. Hunt or "Mr. Linney"—

By the way, who was Mr. Linney?

Mr. HUNT. I suppose in the context it would be Mr. Liddy.

Mr. DASH [continues reading]:

To the effect that the aim would be to render Dr. Ellsberg ineffective or to make him the object of pity as a broken man. Mr. Hunt stated that he wished to see data of the sort that "psychiatrists found out about Barry Goldwater in 1964," and he expressed interest in being able to refer in a knowledgeable way to Dr. Ellsberg's oedipal conflicts or castration fears and other similar points.

Is Dr. Malloy's reference to your statements to him correct, to the best of your recollection?

Mr. HUNT. Again we have a question of salt mixed with pepper, Mr. Dash. I certainly, at that juncture, would not have wanted to

render Dr. Ellsberg and make him into an object of pity that would certainly be in contrast to my often expressed desire that he not be martyred. I would interpret Mr. Malloy's or Dr. Malloy's statement here "make him the object of pity as a broken man" as being in effect making a martyr out of him. That was the last thing I wanted done.

Mr. DASH. Well, it could be interpreted as a person who could be ridiculed, could it not, rather than as a martyr?

Mr. HUNT. Well, I think pity and ridicule are two different things.

Mr. DASH. In other words, we don't have Dr. Malloy here.

Mr. HUNT. No, sir.

Mr. DASH. And this is his affidavit. But I would like to get your recollection, to the best of your ability, as to whether or not, in effect, what you were telling Dr. Malloy was that you wanted Mr. Ellsberg tried in public and you wanted this information for that purpose.

Mr. HUNT. Yes, sir.

However, I would go on, without being picayune about the matter, to say that I never expressed interest in being able to refer in a knowledgeable way to Dr. Ellsberg's oedipal conflicts or castration fears because I had no knowledge that he was so obsessed.

Mr. DASH. I guess all we can do now with the affidavit is let it stand on your explanation of it.

Now, Mr. Hunt, we had already received in evidence an exhibit No. 91\* which is a memorandum from David Young to John Ehrlichman dated August 26, 1971, on the subject "Status of information which can be fed into congressional investigation on Pentagon papers affair."

And point 9 in that memorandum to Mr. Ehrlichman refers to "How quickly do we want to try to bring about a change in Ellsberg's image?"

And there is a footnote attached to that and I would like to read the footnote to this memorandum.

In connection with issue 9, it is important to point out that with a recent article on Ellsberg's lawyer, Boudin, we have already started on a negative press image for Ellsberg. If the present Hunt-Liddy project number 1 is successful, it will be absolutely essential to have an overall game plan developed for its use in conjunction with the congressional investigation. In this connection, I believe that the point of Buchanan's memo attacking Ellsberg through the press should be borne in mind, namely that the situation being attacked is too big to be undermined by planted leaks among the friendly press.

Were you aware of a Buchanan memorandum of this nature of attacking Ellsberg through leaks in the press?

Mr. HUNT. No, sir.

Mr. DASH. Were you aware at any time that Mr. Pat Buchanan of the White House staff had been solicited prior to your assignment on Ellsberg by White House staff people to take on the investigation of Mr. Ellsberg and had declined it?

Mr. HUNT. No, sir.

Mr. SACHS. Mr. Dash, could we have a copy of the document which you just read?

Mr. DASH. Yes. We will make a copy and have it for you.

Mr. SACHS. Right.

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\*Previously printed in Book 6, p. 2646.

Mr. DASH. This is an exhibit I have just taken out of our regular exhibits.

Mr. SACHS. As long as I have interrupted, could we also have a copy of Mr. terHorst's affidavit as to which, a while ago we were asked, and given the right, to comment?

Mr. DASH. Yes, we will have a copy made for you.

What I would also like to do before I close, Mr. Chairman, is to have a letter, which was referred to yesterday, but I understand was not entered into the record, identified and made part of the record. The letter is dated August 9, from Mr. Hunt to Mr. Colson, and is preceded by a memorandum for John Dean from Mr. Colson, dated August 11.

Senator ERVIN. It will be received in evidence as an exhibit and appropriately numbered as such.

[The document referred to was marked exhibit No. 157.\*]

Mr. DASH. In conclusion and in summary, Mr. Hunt, what I have sort of done is put together some of the activity that you have testified you engaged in during the period from July 6, 1971, when you first joined the White House staff to June 16, 1972, just prior to the break-in of the Democratic National Committee headquarters for the second time, and I am just going to run through these very quickly, and if there are any errors, please correct me and there may be some additional things I am overlooking.

For Mr. Colson and/or Mr. Ehrlichman or the Plumbers group, in your capacity as a White House expert on the Vietnamese War, you interviewed Colonel Lucien Conein, you prepared a chronology of Ellsberg, you reviewed State Department cables, you participated in the fabrication of the Diem cables, you prepared an article on Leonard Boudin, you set up specifications for needs for CIA psychiatric profile on Ellsberg, and you participated in the breaking in of the Fielding office although you yourself did not break in.

For Mr. Liddy and the Committee for the Re-Election of the President you engaged and participated in the planning of the Gemstone plan, you recruited Mr. Barker and others who were involved as ex-CIA employees, you served as a liaison with a mythical spy, Fat Jack, who was acting in connection with picking up materials from Muskie headquarters, you participated in the planning of the break-in of the Greenspun office in Las Vegas, you yourself helped or recruited a political spy, Mr. Gregory, to infiltrate in the Muskie campaign and then later in the McGovern campaign, you helped plan convention security for the Republican Convention, you helped plan disruptions at the Democratic Convention, you planned an intelligence-gathering network at the Democratic Convention, you recruited men to provide security at the Hoover funeral and to disrupt a peace demonstration at the Capitol. You provided advice and good answer to Donald Segretti, you helped plan an aborted McGovern headquarters break-in, and you planned and executed two break-ins in the Democratic National Committee headquarters.

For Mr. Colson alone in that year you interviewed Mr. Clifton De Motte, you went out to see Dita Beard, and you were requested, but you never did, to go to Mr. Bremer's apartment after the attempted assassination of Mr. Wallace.

\*See p. 3897.

I take it that during that period of time when you were engaged in all these activities, is it not true that you also were working at the Mullen Co.?

Mr. HUNT. Yes, sir.

Mr. DASH. And were you also working in a program for control of the narcotics traffic?

Mr. HUNT. Yes, sir.

Mr. DASH. I have no further questions unless you want to add something.

Mr. HUNT. I would like to add to that that I also interviewed Major General Harkins or General Harkins, and Major General Lansdale. I don't think you mentioned those.

Mr. DASH. I am sorry, I overlooked those two.

Mr. HUNT [conferring with counsel]. I would appreciate Mr. Dash having a copy of your summary, if I might, and for this reason: That I can think of several instances offhand and, would like the opportunity to study the recitation more fully, inasmuch as some of these activities were intertwined with others and were not necessarily performed solely at the instance of one principal but perhaps I was asked by one person to do something for a second party where it turned out for the ultimate benefit of a third and that sort of thing.

Mr. DASH. Yes, I think that what I have just read has been entered into the public record, and a copy of that will be available to counsel, and if, Mr. Hunt, there is anything that you would like to modify from the point of view you just indicated, you can, through counsel, submit an affidavit to that effect which will be added to the record to correct anything that you would like corrected.

Mr. HUNT. I would like the privilege of so doing, Mr. Dash, because I would not want to appear to give blanket assent without further study to the particular categories that you have assigned each activity.

[Conferring with counsel.]

Mr. SACHS. I find a little—Mr. Chairman, I find a little bit of difficulty in the question because it attempts to, as I heard it, to allocate to Mr. Colson, to the committee, and to the White House certain duties which Mr. Hunt performed. I have suggested—I don't think that such an allocation is consistent with his overall testimony. I have asked him if he would clarify it, and he said he is so wound down that he would rather I do it, and I have done it.

Mr. DASH. And by the way, if there is any item that I omitted, I would hope that you would add that, too.

Mr. HUNT. Thank you.

Mr. DASH. I have no further questions.

Senator ERVIN. Mr. Thompson.

Mr. THOMPSON. Mr. Hunt, I believe you stated that the primary reason that you agreed to the false Diem cables was that you wanted to link the Kennedy administration to the Diem overthrow and assassination. Is that basically correct?

Mr. HUNT. Yes, sir.

Mr. THOMPSON. My question is why you felt that was necessary. Before you answer the question, I would like to read from one or two cablegrams which are part of the Pentagon Papers. I am reading from "The Pentagon Papers, the complete and unabridged series, as pub-



lished by the New York Times." I read from page 196 of those papers entitled "CIA station chiefs cable on coup prospects in Saigon." The cablegrams from Mr. Richardson to Mr. McCone, August 28, 1963.

First of all, who is Mr. Richardson?

Mr. HUNT. He was John Richardson, then CIA station chief in Vietnam, who was removed actually prior to the coup.

Mr. THOMPSON. And who was Mr. McCone?

Mr. HUNT. Mr. McCone was at that time Director of the Central Intelligence Agency.

Mr. THOMPSON. Mr. Richardson cabled Mr. McCone on August 28, 1963, and said:

Situation here has reached point of no return. Saigon is armed camp. Current indications are that Ngo family have dug in for last ditch battle. It is our considered estimate that General officers cannot retreat now. Conein's meeting with General Khiem reveals that overwhelming majority of general officers. Khiem Dinh and Cao, are united.

Later on he says:

If General Dinh primarily and Tung secondly, cannot be neutralized at outset, there may be widespread fighting in Saigon and serious loss of life.

Further, he says:

Nevertheless, we all understand that the effort must succeed and that whatever needs to be done on our part must be done. If this attempt by the General does not take place or if it fails, we believe it no exaggeration to say that Vietnam runs serious risk of being lost over the course of time.

Now, the following day, Ambassador Lodge cabled Secretary of State Dean Rusk—this is August 29, 1963—and Ambassador Lodge said to Secretary of State Rusk:

We are launched on a course from which there is no respectable turning back: The overthrow of the Diem Government. There is no turning back in part because U.S. prestige is already publicly committed to this end in large measure and will become more so as the facts leak out. In a more fundamental sense, there is no turning back because there is no possibility, in my view, that the war can be won under a Diem administration, still less that Diem or any member of the family can govern the country in a way to gain the support of the people who count.

He then states:

I am personally in full agreement with the policy I was instructed to carry out by last Sunday's telegram.

The chance of bringing off a General's coup depends on them to some extent; but it depends at least as much on us.

Thirdly, he says:

We should proceed to make an all-out effort to get generals to move promptly.

I might further read one sentence from a cable from Secretary of State Rusk to Ambassador Lodge. According to this publication, it is entitled, "Cablegram from Secretary Rusk to Ambassador Lodge, Aug. 29, 1963." The Pentagon study says the message followed a meeting of the National Security Council. Among the various things he discusses is this proposition. He says: "The USG"—I assume that is U.S. Government—"will support a coup which has good chance of succeeding but plans no direct involvement of U.S. Armed Forces."

Now, my question, Mr. Hunt, if you were trying to link the Kennedy administration to the overthrow of the Diem government, was the

fabrication of these cables that you mentioned necessary in light of what is in the published Pentagon Papers themselves?

Mr. HUNT. As I had told Mr. Colson following my study of these cables and many others, Mr. Thompson, my position was that it seemed eminently clear that the Kennedy administration had done everything except put the gun to the heads of these two Government officials and pulled the trigger. Mr. Colson had read the cables that led up, the legitimate cables that led up to the coup, the assassinations. Still he asked me if I could not improve upon them.

Mr. THOMPSON. Why, in your study of all the cables—of course, you had these papers; these were accessible to you, were they not?

Mr. HUNT. Yes, sir.

Mr. THOMPSON. I believe you had a copy of this very publication in your safe, did you not?

Mr. HUNT. I did.

Mr. THOMPSON. And, of course, you had access to many other documents, I assume?

Mr. HUNT. Yes, sir.

Mr. THOMPSON. You just made a statement of conclusion about the involvement of the Kennedy administration. What led you to that conclusion? Why did you state that to Mr. Colson?

Mr. HUNT. On the basis of my extensive studies and some sample cables that were done just around that period that I displayed to him.

Mr. THOMPSON. Well, you mentioned the nature of the cables. If I remember correctly, the two cables; in effect, asked asylum for Diem in the United States, I believe, and that that was turned down. That was the fabrication which you created?

Mr. HUNT. Yes, sir.

Mr. THOMPSON. Do you know anything about what actually occurred with regard to provisions for the escape of Diem? Were there any provisions made, either tentatively or otherwise?

Mr. HUNT. How Diem might have escaped—yes, I do.

Mr. THOMPSON. Would you relate that to us?

Mr. HUNT. Yes, sir, I believe this, too, is a matter of public record, the Pentagon papers, but I will focus on it as briefly and succinctly as I can.

Ambassador Lodge, just prior to this coup, had requested a period of consultation back in Washington. To that end, a special aircraft had been sent from Washington out to Saigon to pick him up and bring him back to Washington. That plane was grounded out there as fears or knowledge of the approaching coup became more solid. I learned from Colonel Conein during an interview with him—Colonel Conein being on the ground out there and having, I dare say, at his fingertips more knowledge than any other single individual in the area—that there was some concern that should Diem and his brother-in-law request asylum, that the plane which was there on the ground, visible for everyone to see at the main airport, should that be used as an asylum vehicle to expedite the exit from the country of the brother and brother-in-law, that the plane was not, did not have the fuel range to get it to metropolitan France, let us say, where the U.S. Government thought they would most likely want to go, that there would have to be intervening fueling stops; for example, in Taiwan—

Mr. THOMPSON. Why would it be necessary for the plane to be able to get to France without refueling?

Mr. HUNT. Because the administration was very much concerned that the two brothers and their families might abandon the aircraft at one of the intervening stops and establish, if you will, a government in exile, which would be a great embarrassment to the U.S. Government.

Mr. THOMPSON. So a decision was made not to provide an escape?

Mr. HUNT. Yes, sir.

Senator ERVIN. I have no objection to this, but this is bound to be based on hearsay.

Mr. THOMPSON. Mr. Chairman, with all due respect, if we are going to limit our questions and answers to direct personal knowledge, I think we will have to seriously abridge the record in every part of the past evidence.

Senator ERVIN. I disagree. I think most of the evidence that has been admitted in this case would have been admitted in a court of law for the prosecution of a conspiracy to obstruct justice.

I don't care, but it just seems to me that going into this question, he said in response to your question, that these things you read showed that the Kennedy administration had done everything but put the gun up against Diem's head. I have no objection if you want to clutter up the record with all that, but manifestly, he was not over in Saigon at that time and this is just stuff he has heard.

Mr. THOMPSON. I believe he said he talked to certain individuals concerning these matters.

Did you ever talk to Mr. Conein?

Mr. HUNT. Yes, sir.

Mr. THOMPSON. Did you elicit any information from Mr. Conein?

Mr. HUNT. I did.

Mr. THOMPSON. What did he have to say?

Mr. HUNT. He referred particularly to the fact that Ambassador Lodge's plane had specifically been made unavailable to the chiefs of the Saigon Government.

Mr. THOMPSON. Do you have any knowledge concerning the circumstances of the removal of John Richardson, I believe you referred to that a moment ago.

Mr. HUNT. I would have to categorize that as hearsay. John Richardson never told me personally why he had been removed, but I understood from Colonel Conein that Richardson had been removed from his post quite abruptly by Ambassador Lodge because Mr. Richardson was alleged to oppose the coup. In fact, when the coup did take place, there was no chief of station in South Vietnam.

Mr. THOMPSON. You have referred to missing cables when you examined the cablegrams. First of all, were the cables in chronological order so you could tell which cables had been removed and which had not?

Mr. HUNT. For the most part, they were; yes, sir.

Mr. THOMPSON. Could you tell us what cables were removed in a certain time frame?

Mr. HUNT. The most egregious examples were in the period immediately prior to and just following the coup.

Mr. THOMPSON. I direct your attention to the affidavit Mr. Dash read from a moment ago, Mr. Hunt, of Bernard Malloy, page 2 again: "Mr. Hunt stated that he wished to see data of the sort that 'psychiatrists found out about Barry Goldwater in 1964.'"

Do you recall discussing that particular point?

Mr. SACHS. Where is that, Mr. Thompson?

Mr. THOMPSON. On page 2 of that affidavit.

Mr. HUNT. I can't testify that I actually recall saying that to Dr. Malloy, but I might very well have. It would have been within the frame of reference in which we were meeting.

Mr. THOMPSON. Did you have knowledge of such psychiatric information that had been derived concerning Mr. Goldwater?

Mr. HUNT. Well, I knew that a great deal of the second- and third-hand so-called psychiatric information had been compiled by psychiatrists who had never seen or dealt with Senator Goldwater and been made the subject of large-scale publicity by the Democrats in that campaign.

Mr. THOMPSON. Let me refer to one other document, Mr. Hunt. The conversation with Howard Hunt and Mr. Colson on July 1, 1971—I believe you have a copy. This was, of course, before you became employed at the White House. The sentence here implies—two sentences—that you had some information concerning Mr. Ellsberg before you got to the White House.

Mr. HUNT. Excuse me, on which page, Mr. Thompson?

Mr. THOMPSON. The pages I have are not numbered, but it is page 4. You stated:

Well, of course, he isn't operating alone. He's got a congeries of people who are supporting him, aiding and abetting him, there is no question about it.

What did you base that statement on?

Mr. HUNT. I was thinking in general of the RAMD-type people, at Brookings, all of the Halberstam-type correspondence. Certainly a large portion of the New York Times staff that had been actively engaged in the conspiracy to surface the Pentagon Papers.

Mr. THOMPSON. Were the papers that appeared in the New York Times precisely the same papers that Dr. Ellsberg led you to?

Mr. HUNT. There were some elisions.

Mr. THOMPSON. Some what?

Mr. HUNT. Some elisions. Some were not included.

Mr. THOMPSON. Were there some papers that they had which were not among those which Dr. Ellsberg took?

Mr. HUNT. I do not know what the New York Times full holdings were, sir. I know that they did not publish all of the materials that were available.

Mr. THOMPSON. Mr. Hunt, let me ask one or two more questions and I will be through.

Do you know or have any reason to suspect the possibility of any foul play in connection with the death of your wife?

Mr. HUNT. No, sir.

Mr. THOMPSON. Thank you, Mr. Hunt; that is all.

Mr. Chairman, again, I believe the line of questioning is relevant for me to pursue and again I do not want to be disrespectful or engage in an argument with you or Mr. Dash, but the chairman and Mr.

Dash have both referred to the fact that everything we have done here is admissible and would have been admissible in a court of law under the conspiracy law. I disagree with that for more than one reason. The safeguarding of the instructions to juries in a conspiracy case about how they will not accept testimony until certain facts are proved before certain testimony will be admissible, among other things, I think are sharp differences between a trial in a criminal case against people indicted and the hearings that we have, which are not trial. If Mr. Dash and I could get together and maybe brief the matter in a little bit more detail, perhaps we ought to do so. But I just feel that I should not let the statement pass again without stating my position on it.

Thank you very much.

Senator ERVIN. Well, I would say, Mr. Thompson, you are not the first lawyer that has disagreed with me. When I started out on these hearings, when hearsay evidence came out, I took pains to point out it was hearsay and would not have been considered against certain inhibitions. But certain of my conferees on the committee—I am not referring to counsel now—got so they asked the witness, they said, now, if you believe that AB had told CD this, do you not think AB would have told you that, too? I at one time raised a little protest and my brother took exception to it.

I would say the great majority of substantive evidence that has come out of this case would be admissible, in my judgment, under the rule which says the acts or statements of a co-conspirator are admissible in evidence—all the parties of the conspiracy. I think the evidence is inescapable here that there was conspiracy to cover up what happened in connection with certain persons, with the identities and activities of certain persons that were involved in one way or another in this Water-gate affair.

Mr. THOMPSON. Mr. Chairman, my only point is that a jury would have to make a determination as to exactly who was a part of what conspiracy, as to whether or not there was more than one conspiracy. A determination would be made as to what hearsay would be admissible against what.

Senator ERVIN. Yes; but the judge would let into evidence, if he had evidence of a conspiracy, the judge would let in the declarations and acts of all the people, the alleged co-conspirators.

Mr. THOMPSON. Of course, that was not addressed to the opinion problem, which is another completely different problem.

Senator ERVIN. Oh, there have been a lot of questions asked about opinion, but I don't believe you can accuse me of asking any of them.

Mr. THOMPSON. No, sir.

Senator ERVIN. I don't think I have asked a single question here since May 17 that wouldn't have called for personal knowledge of the witness.

Mr. THOMPSON. Thank you, Mr. Chairman, that is all that I have.

Senator ERVIN. Frankly, I don't want to get out of the habit of arguing with lawyers, because I think my constituents might make it necessary for me to resume that habit.

Mr. SACHS. Mr. Chairman, you have that look on your face that suggests to me that you are about to adjourn this session?

Senator ERVIN. Almost.

Mr. SACHS. Well, if that is the case, and if that means that you all are through with Mr. Hunt, Mr. Hunt does wish to make a one-page closing statement as allowed by the rules.

Senator ERVIN. That will be all right. We will be glad to hear him at this time, unless there is some other question.

Mr. HUNT. Thank you, Mr. Chairman, members of the committee, counsel.

As you are aware, I have been testifying before this committee in executive session and in public pursuant to your order. I regret that because I have been under a strain for a long time, my responses perhaps have not been as alert or as complete as I would have liked them to be. I hope I have managed, however, to convey my desire to be fully cooperative.

Obviously, there has been no opportunity to prepare a closing statement which would add appreciably to this record. There has been no time, for example, to prepare a detailed explanation of the subjects left open by certain questions and answers, but I believe the transcript of the executive sessions will go far to fill that need.

I would like to reiterate that while I was engaged in the activities about which you have been questioning me, I believed that my actions were being taken with the knowledge and approval and under the direction of high officials of the Government and accordingly, that I was engaged in lawful acts.

In conclusion, as I have said, I regret my participation, but I do not think it justifies my conviction or the punishment which has been imposed upon me.

I thank you.

Senator ERVIN. Mr. Hunt, on behalf of the committee, I want to thank you for your appearance here and for your effort to assist the committee in this work.

I also want to commend your counsel for the way they have handled this matter on your behalf. They have been of material assistance to the committee and I want all of them to know that.

Mr. HUNT. Thank you, sir.

Senator ERVIN. We will stand in recess until 10 o'clock tomorrow.

[Whereupon, at 6 p.m., the committee recessed, to reconvene at 10 a.m., Wednesday, Sept. 26, 1973.]

## EXHIBITS SUBMITTED FOR THE RECORD

EXHIBIT No. 129

• 28 June 1972

MEMORANDUM FOR RECORD *W*

At 1430 on 23 June I called on the Acting Director of the FBI, L. Patrick Gray, at his office in the FBI Building and saw him alone.

I said that I had come to see him after talking to the "White House". I cited no names and he asked for none. I added that I was aware of the Director's conversation with him the previous day and while the further investigation of the Watergate Affair had not touched any current or ongoing covert projects of the Agency, its continuation might lead to some projects. I recalled that the FBI and the Agency had an agreement in this respect and that the Bureau had always scrupulously respected this. Gray said he was aware of this and understood what I was conveying to him. His problem was how to low key this matter now that it was launched. He said that a lot of money was apparently involved and there was a matter of a check on a Mexican bank for 89 thousand dollars. He asked if the name Dahlberg meant anything to me and I said it did not but that that was not really significant as I had only been with the Agency for a few months.

Gray then said that this was a most awkward matter to come up during an election year and he would see what he could do. I repeated that if the investigations were pushed "south of the border" it could trespass upon some of our covert projects and, in view of the fact that the five men involved were under arrest, it would be best to taper the matter off there. He replied that he understood and would have to study the matter to see how it could best be done. He would have to talk to John Dean about it.

Gray said he looked forward to cooperating closely with the Agency. After some pleasantries about J. Edgar Hoover and our past military careers, I left saying that my job had been an awkward one but he had been helpful and I was grateful.

Vernon A. Walters  
Lieutenant General, USA

EXHIBIT No. 130

28 June 1972

## MEMORANDUM FOR RECORD ✓

On 26 June at about 10:00 a.m. I received a phone call from Mr. John Dean at the White House. He said he wished to see me about the matter that John Ehrlichman and Bob Haldeman had discussed with me on the 23rd of June. I could check this out with them if I wished. I agreed to call on him in his office in Room 106 at the Executive Office Building at 1145 that morning. Immediately after hanging up, I called Ehrlichman to find out if this was alright and after some difficulty I reached him and he said I could talk freely to Dean.

At 1145 I called at Dean's office and saw him alone. He said that the investigation of the Watergate "bugging" case was extremely awkward, there were lots of leads to important people and that the FBI which was investigating the matter was working on three theories:

1. It was organized by the Republican National Committee.
2. It was organized by the CIA.
3. It was organized by some other party.

I said that I had discussed this with Director Helms and I was quite sure that the Agency was not in any way involved and I knew that the Director wished to distance himself and the Agency from the matter. Dean then asked whether I was sure that the Agency was not involved. [

] I said that I was sure that none of the suspects had been on the Agency payroll for the last two years.

Dean then said that some of the accused were getting scared and "wobbling". I said that even so they could not implicate the Agency. Dean then asked whether there was not some way that the Agency could pay bail for them (they had been unable to raise bail). He added that it was not just bail, that if these men went to prison, could we (CIA) find some way to pay their salaries while they were in jail out of covert action funds.



I said that I must be quite clear. I was the Deputy Director and as such had only authority specifically delegated to me by the Director and was not in the chain of command but that the great strength of the Agency and its value to the President of the nation lay in the fact that it was apolitical and had never gotten itself involved in political disputes. Despite the fact that I had only been with the Agency a short time, I knew that the Director felt strongly about this.

I then said that big as the troubles might be with the Watergate Affair, if the Agency were to provide bail and pay salaries, this would become known sooner or later in the current "leaking" atmosphere of Washington and at that point the scandal would be ten times greater as such action could only be done upon direction at the "highest level" and that those who were not touched by the matter now would certainly be so.

Dean seemed at first taken aback and then very much impressed by this argument and said that it was certainly a very great risk that would have to be weighed. I repeated that the present affair would be small potatoes compared to what would happen if we did what he wanted and it leaked. He nodded gravely.

I said that, in addition, the Agency would be completely discredited with the public and the Congress and would lose all value to the President and the Administration. Again he nodded gravely.

He then asked if I could think of any way we (CIA) could help. I said I could not think of any but I would discuss the matter with the Director and would be in touch with him. However, I felt that I was fully cognizant of the Director's feelings in this matter. He thanked me and I left.

Vernon A. Walters  
Lieutenant General, USA

## EXHIBIT NO. 131

29 June 1972

MEMORANDUM FOR RECORD *J*

At 1145 on 27 June 1972, I saw John Dean at his office in the Executive Office Building.

I told him that I had spoken to Director Helms and found that what I had said to Dean the previous day did indeed reflect Helms' views accurately. That he felt any involvement of the Agency would be most counter productive and furthermore, we had a legislative constraint about the expenditure of our funds within the United States. We had to clear them with the Chairmen of the CIA Oversight Committees in both House and Senate. This visibly lessened his enthusiasm.

I then repeated my arguments that this caper while presently seeming very large would be overtaken by other spicier developments. Unfortunate though its consequences might be currently, Agency involvement by direction at the highest level would undoubtedly become known sooner or later and would then reach to people who were still uninvolved. He nodded. I said that my mind boggled that such risks as those involved in this caper could have been taken for such an unremunerative target. Involving the Agency would transform what was now a medium-sized conventional explosive into a multi-megaton explosion and simply was not worth the risk to all concerned.

Dean thanked me looking glum and said he agreed with my judgment in all of these matters.

Vernon A. Walters  
Lieutenant General, USA

## EXHIBIT NO. 132

29 June 1972

## MEMORANDUM FOR RECORD

On 28 June at 1130 John Dean asked me to see him at his office in the Executive Office Building. I saw him alone.

He said that the Director's meeting with Patrick Gray, FBI Director, was cancelled and that John Ehrlichman had suggested that Gray deal with me instead.

The problem was how to stop the FBI investigation beyond the five suspects. Leads led to two other people -- Ken Dahlberg and a Mexican named Guena. Dean said that the \$89,000 was unrelated to the bugging case and Dahlberg was refusing to answer questions. Dean then asked hopefully whether I could do anything or had any suggestions.

I repeated that as Deputy Director, I had no independent authority. I was not in the channel of command and had no authority other than that given me by the Director. The idea that I could act independently was a delusion and had no basis in fact.

Dean then asked what might be done and I said that I realized he had a tough problem, but if there were Agency involvement, it could be only at Presidential directive and the political risks that were concomitant appeared to me to be unacceptable. At present there was a high explosive bomb but intervention such as he had suggested would transform it into a megaton hydrogen bomb. The present caper was awkward and unpleasant. Directed intervention by the Agency could be electorally mortal if it became known and the chances of keeping it secret until the election were almost nil. I noted that scandals had a short life in Washington and other newer spicier ones soon replaced them. I urged him not to become unduly agitated by this one.

He then asked if I had any ideas and I said that this affair already had a strong Cuban flavor and everyone knew the Cubans were conspiratorial and anxious to know what the policies of both parties would be towards Castro. They, therefore, had a plausible motive for attempting this amateurish job which any skilled technician would deplore. This might be costly but it would be plausible.

Dean said he agreed that this was the best tack to take but it might cost half a million dollars. He also agreed (for the second time) that the risks of agency involvement were unacceptable. After a moment's thought he said that he felt that Gray's cancellation of his appointment with Director Helms might well be reversed in the next few hours.

Dean thanked me and I left.

Vernon A. Walters  
Lieutenant General, USA

## EXHIBIT NO. 133

13 July 1972

## MEMORANDUM FOR RECORD

On 12 July at 1415 I called on Acting FBI Director L. Patrick Gray at his office and saw him alone.

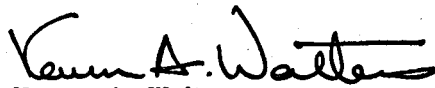
I told him that shortly after I had seen him the last time and given him the memorandum concerning former CIA association of the suspects in the Watergate Case. I had since discovered one additional item concerning Howard Hunt. I gave him the memorandum concerning the assistance given to Hunt which terminated in August 1971 when his demands escalated to an inappropriate level. We had assisted him following a request from the White House and it was our understanding that it was for the purpose of tracking down security leaks in the Government.

He thanked me and said that this case could not be snuffed out and it would lead quite high politically. Dahlberg was in the clear. He had gotten the check from Maurice Stans and had deposited it in the Mexican bank. It was undoubtedly political money. Last Friday, the President had called him to congratulate him on the FBI action which had frustrated the airplane hijacking in San Francisco. Towards the end of the conversation the President asked him if he had talked to me about the case. Gray replied that he had. The President then asked him what his recommendation was in this case. Gray had replied that the case could not be covered up and it would lead quite high and he felt that the President should get rid of the people that were involved. Any attempt to involve the FBI or the CIA in this case could only prove a mortal wound (He used my words.) and would achieve nothing. The President then said, "Then, I should get rid of whoever is involved no matter how high?" Gray replied that that was his recommendation. The President then asked what I thought and Gray said that my views were the same as his. The President took it well and thanked Gray. Later that day Gray had talked to Dean and repeated the conversation to him. Dean had said, "Okay". Gray had heard no more on the subject. He asked whether the President had spoken to me and I said he had on another matter but had not brought up this matter with me.

Gray then said that the U.S. Attorney had subpoenaed the financial records of the Committee to Re-elect the President. It had been suggested to him that he stop this. He had replied that he could not. Whoever wanted this done should talk to the Attorney General to see if there was any legal way to do this. He could not. He said that he had told the President in 1968 that he should beware of his subordinates who would try to wear his Commander-in-Chief's stripes. I agreed saying that in my view the President should be protected from his self-appointed protectors who would harm him while trying to cover their own mistakes.

Gray said that our views coincided on this matter. He would resign on this issue if necessary and I said that in maintaining the integrity of our agencies we were rendering the President the best possible service. I, too, was quite prepared to resign on this issue.

He thanked me for my frankness and said that we had established a warm personal and frank relationship at the outset of our tenure in our respective jobs.

A handwritten signature in dark ink, reading "Vernon A. Walters". The signature is fluid and cursive, with a long horizontal stroke at the end.

Vernon A. Walters  
Lieutenant General, USA

EXHIBIT No. 134

28 July 1972

## MEMORANDUM FOR RECORD

1. On Friday, 28 July 1972, at 1100 I called on the Acting Director of the FBI, L. Patrick Gray, in his office at the FBI Building. He saw me alone. I said I had come to clarify the last memorandum I had given him in reply to enquiries from Mr. Parham re "Cleo".
2. I said that "Cleo" was [ ] electronics engineer who was in contact with Mr. Hunt during August of 1971. Mr. Gephart supplied a Uher recorder pursuant to Mr. Hunt's request and assisted him to get it in shape to use for overt, not clandestine, recording of meetings with agents. There was no attempt to make the recorder useful for clandestine activities. [ ] had two additional meetings, generated by a phone call to the above number (a sterile telephone in one of our offices), to straighten out some difficulty that had arisen with respect to the microphones. We never recovered the recorder.
3. Aside from the above contact with respect to the recorder, there were contacts with Mr. Hunt with respect to false documents and disguise for himself and an associate. He was also loaned a clandestine camera, which was returned. We developed one roll of film for Mr. Hunt, of which we have copies showing some unidentifiable place, possible Rand Corporation. We had had no contact whatsoever with Mr. Hunt subsequent to 31 August 1971.
4. He thanked me for this information and I added that when Hunt's requests had escalated, we had terminated our assistance to him and had no further contact with him subsequent to 31 August 1971. He was grateful for this information.
5. Gray asked me if the President had called me on this matter and I replied that he had not. Gray then said that a lot of pressure had been brought on him in this matter but he had not yielded. I replied that to destroy the integrity of our two Agencies would be the worst disservice we could do the President and I would not do it. He said he would not either. Gray then said that this was largely a money matter. Some heavy Texas money had given Barker the checks to convert into cash. Overzealousness as to money and judgment was clearly visible.

6. I told him that we intended to terminate the 965-9598 number and he nodded. Then he said, "This is a hell of a thing to happen to us at the outset of our tenure with our respective offices." I agreed heartily.

7. He thanked me for coming to see him and for maintaining such a frank and forthright relationship with him. I left him a short unsigned memo embodying what I had told him.

Vernon A. Walters  
Lieutenant General, USA



## EXHIBIT No. 135

February 9, 1973

## MEMORANDUM FOR THE RECORD

SUBJECT: Telephone Call from John Dean

This evening at 6:10 I received a telephone call from John Dean at the White House. Dean indicated that he wanted to discuss two topics.

First, he averted to a package of material that had been sent to the Department of Justice in connection with the Watergate investigation. He suggested that Justice be requested to return this package to the Agency. The only item that would left at Justice would be a card in the files indicating that a package had been returned to the Agency, since the material in the package was no longer needed for purposes of the investigation. He indicated that the agency had originally provided these materials to the Department of Justice at the request of The Attorney General and Mr. Howard Peterson.

The second subject that he raised was the pending investigation by the Senate of the ITT affair in relation to the Chilean problem. He felt that this investigation could be rather explosive. He also indicated that there might be some sensitive cables at the Agency that might be requested by the Senate investigators. I indicated to him that while I had not seen any cables, I had been briefed on the subject and that the role of the government appeared to be clean. He expressed his delight at hearing this assessment. I indicated that I would look into the cables further.

In this connection he mentioned that there is a hot story being passed about in the press, primarily instigated by Seymour Hersh of the New York Times. The story suggests that Sturgis, who sometimes goes by the code name Federini, was the individual responsible for the burglarizing of the Chilean Embassy in Washington. He also indicated that he expected Senator Fulbright to request the Justice Department to produce Sturgis for the Senate hearings.

I indicated that I would look further into the matter. He closed with some jovial remarks about being the bearer of bad tidings, and I inquired what the good news might be. Further references were made to pending appointments at the AEC.

Shortly thereafter I discussed these matters with Bill Colby, who indicated that Sturgis has not been on the payroll for a number of years and that whatever the allegations about the Chilean Embassy, the Agency has no connection at all. We also agreed that he would discuss the question of the package relating to the Watergate investigation with General Walters and a decision would be made with regard to the appropriate action.

JRS

cc: General Walters

EXHIBIT No. 136

11 May 1973

## MEMORANDUM OF CONVERSATION ON FEBRUARY 21, 1973

At the request of the Director, Dr. Schlesinger, I called on Mr. John Dean at his office at the White House at 1430. I explained to him that, in connection with his request that the Agency ask the Department of Justice to return a package of material that had been sent to them in connection with the Watergate investigation, it was quite impossible for us to request the return of this, as this would simply mean that a note would be left in the Department of Justice files that the material had been sent back to the Agency, and we had been asked not to destroy any material in any way related to this case. I again told him that there was no Agency involvement in this case and that any attempt to involve the Agency in it could only be harmful to the United States. He seemed disappointed. I then left.

Vernon A. Walters  
Lieutenant General, USA  
Deputy Director

## EXHIBIT NO. 137

12 May 1973

I, VERNON A. WALTERS, a Lieutenant General in the United States Army, hereby duly sworn, depose and say as follows:

I have been Deputy Director of CIA since I was sworn into that office on 2 May 1972.

On 23 June 1972 I was ordered by a phone message from my office to be at the White House at about 1300 with Director Helms. I had lunch with Mr. Helms and we went to Mr. Ehrlichman's office at the White House. Present were Mr. Ehrlichman, Mr. Haldeman, Mr. Helms and myself. As I recall it, Mr. Haldeman said that the Watergate incident was causing trouble and was being exploited by the opposition. It had been decided at the White House that I would go to Acting FBI Director Gray and tell him that now that the five suspects were arrested, further enquiries into the Mexican aspects of this matter might jeopardize some of the CIA's covert activities in that area. An appointment was made for me to see Mr. Gray at 1430 that same day. I went over and told him that I had been directed by top White House officials to tell him that further investigation into the Mexican aspects of the Watergate episode might jeopardize some of the Agency's covert actions in that area. He said that he understood the agreement between the FBI and the Agency regarding their sources but that

this was a complicated case. He would not violate the agreement with CIA regarding sources. On my return to the Agency I checked to see whether there was any danger in the Agency's covert sources if the Mexican part of the investigation continued and ascertained that no one believed that this was the case. No one had any knowledge of the plan to bug the Democratic National Committee.

On June 26 the Counsel to the President John Dean called me and asked me to come and see him about the matter I had discussed with Haldeman and Ehrlichman. He said I could check with Ehrlichman and I did. He said I could talk to Dean so I went to Dean's office at 1145 on June 26.

I informed Dean that I had checked carefully to see whether there was any jeopardy to the Agency's sources by a further investigation of the Mexican sources of this matter and had found there was none. Dean then asked whether the CIA might have taken part in the Watergate episode without my knowing it. I said that this was not possible. I knew that the Agency had had no part in the operation against the Democratic National Committee. I therefore could not say that further investigation would jeopardize Agency sources. I felt that someone had bungled badly and that the responsible parties should be fired. He asked whether there was not some way in which the Agency might have been involved. I said that I had checked with Director

Helms and was convinced it was not. Any attempt to stifle this investigation would destroy the effectiveness of the Agency and the FBI and would be a grave disservice to the President. I would have no part in it and was quite prepared to resign on the issue. He asked whether I had any ideas on what might be done and I replied that those responsible should be fired. He seemed disappointed and I left.

The following day I saw Dean again in his office at his request. He again reviewed the Watergate Case saying that some witnesses were getting scared and were "wobbling". I said that no matter how scared they got, they could not involve CIA because it was not involved in the bugging of the Watergate. He then asked if the CIA could not furnish bail and pay the suspects' salaries while they were in jail, using covert action funds for this purpose.

I replied that this was out of the question. It would implicate the Agency in something in which it was not implicated. Any such action by the Agency would imply an order from the highest level and I would not be a party to any such action. It would be a grave disservice to the President and the country and would destroy the CIA's credibility with the Congress and the people. I would resign rather than do this and, if ordered to do it, I would ask to see

the President to explain the reasons for my refusal. Furthermore, when the Agency expended funds in the U.S., we had to report this to the Oversight Committees of the Agency in Congress. He was much taken aback by this and agreed that risks of implicating the CIA and FBI in this matter would be enormous. I said that what was now a painful wound could become a mortal one. What was now a "conventional explosion could be turned into a multi-megaton explosion". I again advised him to fire the responsible parties.

Again Dean sent for me on the 28th of June and I saw him at his office at 1130 that day. He enquired whether I had learned anything more about CIA involvement. I replied that there was no involvement of the Agency in the bugging of the Watergate. He then asked whether I had any ideas and I said that I had none which could be helpful. Perhaps the Cubans who were anti-Castro might have had a hand in it but the CIA did not.

On July 5 I received a call from Acting Director of the FBI Gray saying that he could not stop further investigation of the Mexican aspects of this matter unless he had a formal letter from the Director of CIA or me asking him to do this. I said that I would come to his office and I saw him at 1000 the following morning.

I told him that I could not tell him that further investigation would jeopardize the Agency's covert sources. I had checked on this and it was not so. I had ascertained that General Cushman had initially authorized the issuance of some equipment to Howard Hunt without knowing its purpose other than it was, as I understood it, to shut off "leaks". This was long before the Watergate bugging. Since then I had carefully checked and there was no other involvement of any sort by the CIA in the operation against the Watergate. I said that I felt that attempts to cover this up or to implicate the CIA or FBI would be detrimental to their integrity and a disservice to the President and the country. I would have no part in this and was quite prepared to resign on this issue. He said that he shared my views regarding the importance of the integrity of our Agencies and he too was prepared to resign on this issue. I gave Gray a list of the equipment the Agency had given Hunt and the account of our dealings with the former CIA employees up to the termination of their employment with the Agency long before the Watergate episode. . .

I saw Gray again on the 12th of July and gave him one additional memorandum regarding the contact furnished Hunt. We reviewed the matter reiterating the position we had taken previously. I said that I had told Dean that the best solution would be to fire those responsible. Gray said he had made the same recommendation.



Once again we agreed that anything that might damage the integrity of the FBI and CIA would be a grave disservice to the President and the Government.

In February 1973 shortly after Mr. Schlesinger became Director I told him of my conversations with Haldeman, Ehrlichman and Dean. In February Dean called Dr. Schlesinger to see if the Agency could get back from the FBI the material it had sent to the Justice Department concerning our contact with Hunt. Dr. Schlesinger and I agreed that this could not be done. I attempted to contact Dean but he was in Florida. On his return I saw Dean at his office on February 21 and told him that we could not ask the FBI for the material back. That would only serve to implicate the CIA and I could not and would not do it. I had seen Acting FBI Director Gray that morning and told him of Dean's request and our refusal. He agreed saying that he could not do such a thing.

Since that date I have had no further contact with Dean. The above represents my recollection of what occurred and the dates are checked in my appointment book.

State of Virginia  
County of Fairfax

*Vernon A. Walters*  
VERNON A. WALTERS

Seen, to, and subscribed before me  
this 14th day of May 1973  
Witness my hand and official seal.

*Thomas C. Hogan*  
Notary Public

Commission expires 5 October 1974

## EXHIBIT No. 138

Jan 5 ' 72



## Notes

1. The outfit tried to lay the operation at the feet of CIA this week and that failed.
2. Yesterday they tried to get all of the defendants to plead guilty, thus protecting those higher up from involvement, and that failed. Barker and Hunt allegedly were willing to plead, so it is said. McCord and Liddy refused.
3. In revenge, now the prosecution is planning to state that the motives of at least some of the defendants was blackmail. This came out in the ACLU hearings today in which the ACLU lawyer said that he was told this by the prosecution--that blackmail was the motive.
4. The outfit is even getting predictable. It was anticipated that when I refused to implicate CIA they would undertake a massive character assassination attempt.
5. The judge is not buying this ploy--he indicated as much this morning, referring to it as a "cover story" and indicating that the world was watching this case, the Democrats were criticizing its handling and that the jury was going to get to the bottom of it. He said that he would personally examine the ~~xxx~~ tapes of testimony and send any to the grand jury that involved higher ups - or lower figures involved.

Some of the newsmen say we are scapegoats. They are right.

6. Corrected telephone call data:

Call to Israeli Embassy -Sept 21 1972 8:35 am Telephone 762-8720  
Call to Chilean Embassy - Oct 10 1972, 4:50 pm " "

Jan 3 / 72

It would appear that we have headed them off at the pass.  
The crisis appears to be over.

to Judge Sirica  
Yesterday, ~~XXXXXX~~ Tuesday, I had delivered/a copy of a letter mailed to Gerald Alch, dated Jan 1 72, releasing Alch as my attorney. Yesterday afternoon Sirica called a meeting in court for today for me, Alch, all of the defense attorneys, and the prosecuting attorneys to find out what my letter was all about. Concurrently, Alch was on the phone to me several times trying to patch matters up.

I had advised Alch orally that the reason for his dismissal was his pressing the defense issue on me, or trying to, of placing the blame for the operation on the company where it did not belong. I repeated that I would not stand for it, nor would I sit still for any other defense attorney trying to do it.

Alch met with me this morning and assured me the issue was dead, that he would not try it again, nor would anyone else. We met with the judge and the others and in a brief session answered his questions, without disclosing exactly what was at stake. He obviously knew something was up and is now alerted. We ~~agreed~~ ~~xxxxxxx~~ ~~xxxxxxx~~ advised him that we were going to give it a new try at working together. The press was there and were also alerted, but they have not yet dug up the reasons behind the whole thing.

Bittman was shook and has obviously taken the heat on this, because of my violent reaction. He should because he had transmitted to Alch the original idea. We know of course who passed the idea to Bittman.

We took them up to the brink on this, and I don't believe they will try it again. Breaking it to the press could have gotten some of them disbarred and broken the whole mess wide open.

Let's trust that this much of it is now behind us. Now we'll work on the other problems at hand. Keep the faith.



Paul F. Gaynor  
4629 35th St North  
Arlington, Virginia

Dec 29 1972

What is needed:

1. Evidence of illegal govt wiretapping of our telephones, either on national security grounds or domestic security grounds, both of which are done on authority of the attorney general's signature alone.
  - a. There were two national security calls by me from our home phone (762-0187). One was made to the Israeli Embassy on \_\_\_\_\_ and the other was made to the Chilean Embassy on \_\_\_\_\_. Both calls were witnessed by my wife.
  - b. I am convinced that from at least June 17-early July there was a wiretap on our home and office phones on authority of A/G's signature alone. On June 26, 1972 the Supreme Court declared such wiretaps illegal, and several cases have been dismissed on these grounds recently, rather than disclose in adversary proceedings the contents of such calls and conversations, and the names of the parties involved.
  - c. There is no question but that our home and office phones are still being tapped. If done ~~on~~ without a Court order, we are in an excellent position to have the cases dropped. The prosecution has asserted there were not ~~any~~ tapped conversations of any kind-national security, domestic security, or court ordered. This is bunk.

What I need is proof--logs, transcripts or testimony from an FBI agent or two who had monitored such calls.

2. Evidence of perjury or false swearing by Gary Bittender, the EFD officer. I know he is lying. Some additional evidence, even circumstantial would help.
  3. I have the evidence of the involvement of Mitchell and others, sufficient to convince a jury, the Congress and the Press.
- 4x.

The maximum effect is accomplished if everything is held until the trial ~~has~~ has just started, and then surface everything at once--showing beyond any doubt the hypocrisy of the whole group and how fixed the whole federal criminal justice system has now become.

I have released Mr. Gerald Alch as my defense attorney in the Watergate Case/

In meetings recently in which plans for our defense in the Watergate trial were discussed, he persisted in a proposal that I claim that the Watergate operation was a CIA operation. This is flatly untrue, and when I rejected it, he then went on to make a second proposal.

then  
The second proposal was that I claim that the 4 Cubans and I cooked up the bugging operation on our own. This also is untrue.

It was patently obvious that in my own interests of a fair trial that I dismiss Mr. Alch and find my self another attorney. I am actively engaged in doing just that.

The implications inherent in these two proposals imply the deepest corruption and perversion of the criminal justice system in recent history. It smacks of total political control of the federal investigative process, the ~~grand jury process~~ federal grand jury process, and the federal prosecutors, ~~xxxxxxx~~

Never in our nation's history has the ~~national security~~ <sup>especially</sup> integrity of the national intelligence system ~~xxxxxx~~ and of the FBI been in such jeopardy.

It forebodes in the present direction of the FBI the return to the politically corrupt system that Hoover inherited. The fine ~~ag~~ organization is already crumbling.

When ~~xxxxxxx~~ the hundreds of dedicated fine men and women of CIA can no longer write intelligence summaries and reports without fear of political ~~xxxx~~ <sup>without fear of political</sup> when ~~thax~~ their fine director is being summarily discharged in order to make way for a politician who will write or rewrite intelligence the way the politicians want them written, instead of the way truth and best judgment dictates, ~~the~~ <sup>the</sup> nation is in the deepest of trouble and freedom itself was never so imperiled. Nazi Germany rose and fell under exactly the same philosophy of governmental ~~xxxx~~ operation.

This nation is truly in the deepest trouble it has been in in 200 years.

I fully expect the most intense character assassination campaign and harassment to be mounted against me. So be it. The integrity of ~~our~~ <sup>the</sup> CIA and of the FBI is a far more important than one man's ~~xxxx~~ <sup>future</sup> or life.

*and of the <sup>whole</sup> Federal Criminal Justice System*

Notes

Dec 29 1972

I am convinced that the fix is on Gerry Alchy and Bernie Shankman.

Too many things don't add up, namely:

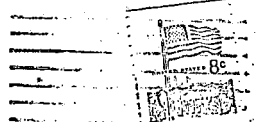
1. Their persistence in wanting to let Gerry Alch call Helms to testify and to call Vic Marchetti "to lay the background re CIA employees once caught in the act, refusing to admit it. Also re custom and tradition of CIA along this line."

Somehow the fix is on Marchetti or he is a party to this ploy in some way. They are too persistent about it.

2. Their persistence in trying to find out how much I know about Mitchell's involvement, and the negative type approach "well he didn't really talk to you about it did he."
3. Failure to really debrief me on my whole participation and knowledge. None has really occurred to date, and an absence of communications has been particularly noticable from Nov 7-Dec 21st. The presence of what appears to be a desire to let time run out before the trial starts.
4. The fixed police officer's report- that of Gary Bittenbender (not Carl as previously reported. The impact of his statement is ~~that~~ one which can be read two ways, giving them a fall back position. 1) That I claimed to him at the time of arraignment that this was a CIA operation, and b) that this was an operation which we-the Cubans and I-cooked up on our own. No such statements were made. They are absolutely false.

Bittenbender incidentally has a twin brother as I recall; I have never met him to my knowledge. I assume he also works in the intelligence division.

5. The general focus and impact of everything that is happening is that:
  - a. They are trying to put the blame for the operation on CIA ~~xxx~~ and or McCord, or both, shifting the focus away from the White House ~~xxxx~~ (Liddy and Hunt).
  - b. The U.S. Attorney has blown the case against the Cubans by visiting personally their employers in Miami, affecting their ability to make a living- causing Frank Sturgis' employer to fire him.
  - c. They appear willing to get McCord off but only on the ~~xx~~ condition that he place the blame for the operation on CIA--or take the blame himself. No go.
  - d. The wording of questions such as "You really don't want Helms to be called because you don't want to be a stoolie against CIA do you". These leave ~~xxxxxxx~~ no doubt whatever.
6. Today I visited Bernard Shankman (Alch's local rep in the case) and gave the attached letter to him, telling him I planned to release it to the press today and get a new attorney. He asked that I hold off until Tuesday morning next to talk with Alch before doing anything. I may or I may not wait past Saturday Dec 30 1972.



Paul F. Gaynor  
4629 35th St North  
Arlington, Virginia

J. Mitchell

J. Dean

J. Magruder

Colson

Liddy

---

The MPD officer's name is Carl Bittenbender.

The pressure is still on. They can go to hell.

Anytime you need me to testify before a Congressional committee in your behalf just yell.

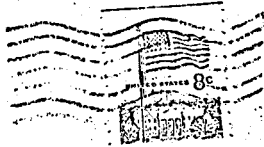
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Jack -

Sorry to have to write you this letter but felt you had to know.

If Helms goes, and if the WC operation is laid at CIA's feet, where it does not belong, every tree in the forest will fall. It will be a scorched desert. The whole matter is at the precipice right now. Just pass the message that if they want it to blow, they are on exactly the right course. I'm sorry that you will get hurt in the fallout.

---



*Paul Gaynor*  
*4629 35th St NW*  
*Arlington Virginia*

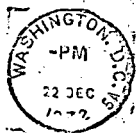
Dec 22, 1972

Dear Paul -

There is tremendous pressure to put the operation off on the company. Don't worry ~~xxxx~~ about me no matter what you hear.

The way to head this off is to flood the newspapers with leaks or anonymous letters that the plan is to place the blame on the company for the operation. This is of immediate importance because the plans are in the formative stage now, and can be pre-empted now ~~ix~~, if the story is leaked so that the press is alerted. It may not be headed off later when it is too late.

The fix is on one of the police officers in the MPD intelligence department, to testify that one of the defendants told him the defendants were company people and it was a company operation. He ~~is~~ has probably been promised a promotion for changing his story to this effect. Be careful in your dealing with them. I will do all I can to keep you informed. Keep the faith. /



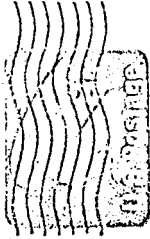
Paul Gaynor  
1005 S. Quebec  
Arlington, Virginia

Personal



From time to time I'll send along things  
 you may be interested in from an info  
 standpoint. This is a copy of a letter  
 which went to my lawyer.

With Best Regards,



Richard Helms, Director  
 Central Intelligence Agency  
 Langley, Virginia

Personal

Dear |

A few interesting bits of information you will be interested in:

1. When Paul O'Bride was engaged by the Committee as their lawyer in this case, the Committee told him that the operation was a CIA operation. He says he did not learn otherwise until one of the defendants told him the facts, and he says he blew up over it.
2. The prosecution, under Silbert, had of course begun that line with Judge Belson from the very first hearing. Altho never coming right out and saying so, it was inferred by him in every hearing that I witnessed, and learned that he did so with the other defendants in the bond hearings.
3. Now that the CIA story has not held water, or more correctly, will not be allowed to stand by CIA, the prosecution is now planning to charge that Liddy " stole the money for the operation from the Committee and in turn bribed McCord and Hunt to participate, giving McCord a \$16,000 bribe on one occasion witnessed by a participant who has turned state's evidence ".

Rest assured that I will not be a patsy to this latest ploy. They will have to dream up a better one than this latest story. The state's witness cannot not only be impeached on the stand, but can be charged with perjury before the grand jury, and to federal officials (the FBI) if he has made such a statement to them. If Committee officials have alleged that Liddy stole the funds for the operation from the Committee, they also have perjured themselves and are subject to such prosecution. Liddy may sit still for this; I will not.

Recent leaks this week by the prosecution/and or the FBI to the New YORK TIMES still are trying to infer that this was a CIA operation. The frequent use of " ex-CIA agent " in other articles are further evidence. They still haven't given up on this ~~xxxx~~ tactic.

As I have mentioned before, I don't think a fair trial is ever going to be obtained in Washington for the reasons I have heretofore stated. The prejudicial press coverage; the high percentage of registered Democratic voters from whom the jury would be picked; and the pro-govt leanings of such a jury, most of whom would be employed by the govt and subject to a bias or duress from the prosecution are only some of the reasons. The matter of timing of a change of venue motion is, I realize, best left in the hands of the lawyers. The fact remains that I have lived in Washington since 1942 and know certain things about the District of Columbia from first-hand knowledge, having lived there in the past, that I wanted you to be aware of.

7/21/72

Jim

EXHIBIT No. 139

UNITED STATES GOVERNMENT

## Memorandum

TO : Mr. Felt

FROM : D. J. Dalbey

SUBJECT: DISSEMINATION OF INFORMATION  
THE WHITE HOUSE  
CRIMINAL CASES

DATE: 7/20/72

You advised me that the Acting Director desires an opinion on the legal basis for dissemination by the FBI to the White House of information concerning a criminal case being investigated. More specifically, if I understand the situation, he means a case being investigated as a criminal case for prosecution involving a violation of Title 18, United States Code, and which does, or may, implicate Federal employees as subjects. Our reply is limited to such a situation.

For reasons shown below, we conclude that the FBI has no authority, or duty, to initiate dissemination of information to the White House concerning the criminal investigation in progress. Note that we use the word "initiate." We did not consider the matter of disseminating such information to the White House on specific White House request. In this latter situation we assume that since the President is the top boss of the Executive Branch he can obtain from that branch any information that he wishes. This is a different matter, legally and otherwise, from the one in which we would on our own decision initiate dissemination of the information.

We find no authority or duty for the FBI to initiate the reference dissemination. So far as we can find, such dissemination is not required by the Constitution, or by any statute or Executive Order. Moreover, we are unaware of any existing instructions of any kind by which the White House has notified the FBI that it should be kept advised generally in matters of this kind.

There is authority, legal and otherwise, for taking a position that we are authorized and required only to report such matters to the Attorney General or to such other persons as he designates, such as the

- 1 - Mr. Bates
- 1 - Mr. Dalbey

DJD:mfd (3) 80X

JUL 28 1972

14 AUG 28 1972  
CONTINUED - OVER

AUG 24 1972

Memorandum to Mr. Felt  
 Re: Dissemination of Information  
 The White House

United States Attorney. By order of the Department, all information in the possession of the Department of Justice, including the FBI, is in the custody of the Attorney General and, technically, may not be released from the Department without his consent. This prohibition technically covers the White House and does no damage to White House interests because the Attorney General serves the White House and can either release to that office such information as he sees fit or as he is requested to provide. For purposes of the case under discussion, a strict interpretation of the departmental order would prohibit our dissemination of the information to the White House without the Attorney General's permission. Equally pertinent is Title 28, United States Code, Section 535, entitled "Investigation of Crimes Involving Government Officers and Employees; Limitations," which provides, in pertinent part, that "Any information, allegation, or complaint received in a department or agency of the executive branch of the Government relating to violations of Title 18 involving government officers and employees shall be expeditiously reported to the Attorney General by the head of the department or agency...." This statute seems to clearly state that when the FBI, as in the type of case described earlier, investigates a matter indicating that a Government officer or employee may be involved in any violation of Title 18, the FBI must expeditiously report the matter to the Attorney General. Our legal responsibility and duty is to keep the Attorney General fully informed and there it ends. Whether, and to what extent, the White House should be informed is a matter for the Attorney General.

The requirements of the administrative chain of command in Government leads to the same results. The requirements are that we follow the chain and not bypass any link in it. This means that we advise the White House, if at all, through the Attorney General and not around him. The Attorney General can, of course, permit us to advise the White House directly, but we do not understand that such permission has been either expressly or impliedly granted in this case.

This discussion raises the question of legality of dissemination to the White House in the past. It is my understanding under Mr. Hoover we disseminated information on criminal cases to the White House when, as, and if Mr. Hoover directed that we do so, and this was done on Mr. Hoover's instructions without reference to the matter of whether

Memorandum to Mr. Felt  
 Re: Dissemination of Information  
 The White House

we did or did not have the authority. The practice apparently had the sanction, grudgingly or otherwise, of the Attorney General and apparently was at least condoned by the White House. This is not to say either that it was right or it was wrong. Our only position is that from a strict legal standpoint, there was no specific authority for it. The authority and the obligation of the FBI are to keep the Attorney General fully informed and to leave the rest to him.

RECOMMENDATION:

For information.

7 — 8/5

DPH

*No. so in this particular case and in all future cases.*

*Gm*

*7/20*

*8:57 PM*

96 296 8495

## EXHIBIT No. 140

White House

July 24, 1972

~~Dissemination of Information Policy~~

In answer to your attached note, dissemination of intelligence and security data to the White House is another practice which simply grew like Topsey without any particular reference, so far as I am aware, to the legal basis for it. The practice seems largely an outgrowth of the confidence which successive Presidents laid in Mr. Hoover and in the resulting frequent conversations which he had with those Presidents on such matters.

This is not to say that there is not a legal basis for such dissemination. I think the contrary is true and that a strong case could be built for it. I understand that the Inspection Division now has a "Yellow Tag" on this matter of dissemination so I will go into the matter only briefly.

If I had to officially justify the dissemination of intelligence and security information to the White House I would take up at least the following points:

(1) The President's directive of December 6, 1939, in which President Roosevelt directed the FBI to coordinate Western Hemisphere intelligence matters. The clear inference is that the President is to be kept advised and I think that is exactly what happened.

(2) Since the issuance of the above directive we have tried to keep all branches of the military informed of any security information which comes to our attention from either domestic or foreign sources which might bear on their activities. The President as commander-in-chief of the armed forces would seem to be entitled to the same information.

(3) The National Security Act of 1947 (61 Stat. 495) and subsequent amendments created the National Security Council, presided over by the President or his designee. The function of that Council is "the integration of domestic, foreign and military policies relating to the national security...." People on the White House staff are on the National Security Council and the FBI is a member of the

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6 AUG 25 1972

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file in  
dissemination of  
information  
file 610-58  
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United States Intelligence Board which serves as advisor to the National Security Council. Here again it seems to be a clear inference that we should keep the White House informed on intelligence and security matters.

(4) The President of the United States is and always has been responsible for keeping the civil peace within the United States. He has had to act, by calling out the armed forces or otherwise, in a surprisingly large number of cases beginning with the Whiskey Rebellion which President George Washington put down by calling out the militia. If my memory serves me correctly, the great majority of Presidents have had to act on something of this kind and a study once showed something like 200 such incidents. Here again is ample reason for keeping the President informed of domestic security matters.

(5) The President also is responsible for foreign policy and again it would seem that any intelligence we obtain which bears on that subject should be sent to the White House.

All of the above are matters which the President necessarily acts more directly on his own initiative than is the case with the criminal law. I suppose the President may act on criminal law himself through the Attorney General, but his action is generally so well hidden that the whole subject of criminal law enforcement is really left to the Attorney General and to him alone. Thus there seems quite a reasonable distinction between a constant flow of advice to the White House on matters of criminal law on the one hand and on matters of domestic and foreign intelligence on the other.

D. J. Dalbey

*Gu 8/20*  
*9:57P*

*SSK*

# What the FBI Almost Found

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HAD FBI AGENTS BEEN PERMITTED by then Director L. Patrick Gray III, by the Department of Justice and by the White House to do the job they wanted, the Watergate Case could have broken wide open a year ago. I am convinced it *would* have, perhaps as early as late June or early July 1972.

What leads me to believe this? Consider factors routine in any normal FBI investigation of a major crime: search warrants, confessions, and interviews:

## Search Warrants

The normal procedure in major crimes involving tangible evidence found on the scene is to search for more such evidence through the immediate execution of search warrants of the defendants' automobiles and residences.

Mrs. Hunt told me in late July 1972 that her husband also had to dispose of incriminating material at their residence.

***"If the American public is to regain its faith in the FBI—and it deserves that faith—the Bureau's story must be heard."***

Would such materials have led to the Ellsberg break in and other "plumber's operations" of the White House? My guess is yes.

## Confessions

Another routine FBI procedure in major crimes is to continuously seek every avenue possible to get a confession from those involved, and to pursue every lead which may develop additional evidence or further leads.

But the FBI was precluded from doing just this. It had to clear every lead of any consequence with the Department of Justice before pursuing any of them. Apparently many such leads were killed, either by the Department of Justice or the White House.

Let me cite a situation involving me personally. During the 4 weeks immedi-

**FIRST OF A 3-PART SERIES by James W. McCord, Jr. detailing what the American public ought to know about this Nation's intelligence agencies and their conduct in the Watergate affair.**

ately following my arrest and release from confinement—that is during late June and the month of July 1972—I was in a frame of mind in which I would probably have told the whole story to an FBI agent, if he had been one whom I knew and trusted. Such a man, I would have believed, would not have allowed the Watergate story to get buried or suppressed. I had no such confidence in the U.S. Attorneys handling the Grand Jury. But had I been approached by an FBI agent of maturity, and particularly one I may have known in the past, I likely would have told the complete story at that time. There is evidence that senior supervisory personnel of the FBI tried to get approval to get to me, seeking a confession, in July 1972, but were turned down "at the highest levels."

Such an interview, combined with what would have been found had the FBI been allowed to execute its search warrants, would in my opinion have been devastating, in terms of the total picture that would have been developed. Instead, the picture is emerging only piece by piece and with painful slowness.

## Interviews

Normally, the FBI would have interviewed every employee of the Committee for the Re-Election of the President in seeking further leads about Liddy and me, since both of us were on its payroll. Had they done so, they would have learned through Robert Reisner, Jeb Magruder's assistant, of the existence of

the "Gemstone file" which Magruder kept for discussion with Mitchell. The Gemstone file contained results of our wiretaps on the Democratic National Headquarters and other material from Liddy's operations in the political espionage field.

I gave Reisner's name to the Senate Watergate Committee in March 1973.

Tangible evidence in the Watergate Case was found in abundance on the 5 arrested—large sums of money, electronic equipment, and photography and locksmithing tools.

The same day we were arrested in the Democratic National Committee headquarters, on June 17, 1972, additional tangible evidence—equipment and other paraphernalia—was found in the hotel room across from Watergate occupied by E. Howard Hunt and G. Gordon Liddy. This was all the more justification for immediately executing search warrants to check vehicles and residences.

But when senior personnel of the FBI sought such warrants, they were turned down.

What would the FBI have found? Even if their search warrants had been executed as late as *four weeks* after our arrests?

In my vehicle (returned by Alfred Baldwin to my home, on June 17, 1972), they would have found tape recorders, 2 electric typewriters along-

***Who disapproved the search warrants FBI agents proposed to execute?***

ing to White House consultant E. Howard Hunt, and other electronic equipment removed from the Howard Johnson Motel by Alfred Baldwin, all rapidly traceable to their original source of purchase.

In my residence, they would have found additional electronic equipment related to the overall Watergate opera-



tion; \$18,000 in \$100 bills left over from the operation, subsequently used for lawyers fees; some carbon copies of recent wiretap logs, which I later destroyed; a copy of a letter signed by John Mitchell authorizing me to go to the Internal Security Division of the Department of Justice and obtain information regarding violence allegedly planned for the Republican National Convention; and some pencilled notes from January and February 1972 mentioning not only John Mitchell's name but the names of John Dean and Jeb

*"What would the FBI have found?*

*"In my residence, they would have found \$18,800 in \$100 bills, additional electronic equipment, carbon copies of recent wiretap logs, a copy of a letter signed by John Mitchell . . . and pencilled notes mentioning . . . John Dean and Jeb Magruder as meeting with Mitchell during those early 1972 months to discuss the Watergate break-in."*

Magruder as meeting with Mitchell during those early 1972 months to discuss the Watergate break-in.

All of this documentary material I destroyed during July 1972. The equipment I either buried or disposed of in the Potomac River. (One exception: the typewriters, which were returned to the Hunts in late July, 1972.)

Thus, the search that senior FBI personnel sought of my residence would have led immediately to John Mitchell, Jeb Magruder, John Dean, my equipment suppliers, the Internal Security Division of the Department of Justice, and to White House consultant E. Howard Hunt.

When interviewed, he expressed surprise that no one had tried to interview him during the many months following June 17, 1972.

Had the FBI been permitted to interview all of the CRP personnel, as would have been customary, it would also have learned from press assistant Powell Moore that he had accompanied Liddy on June 17, 1972 to visit Attorney General Kleindeinst, trying to get the defendants released on bond that same day. Of greater importance, the FBI would have learned that Moore witnessed the destruction of files by Liddy in the CRP offices that same day, June 17, 1972. Apparently Kleindeinst never told the FBI of the visit by Liddy and Moore. Why not—if not immediately, then surely after Liddy was indicted and it became patently clear that he was involved in the Watergate operation itself?

The question then is: who kept the wraps on the FBI in its investigation of the Watergate Case?

The FBI was apparently proscribed at every turn. Even routine investigative efforts were suppressed and held down to the point that its senior personnel had to clear every action of any substance with political appointees in the Department of Justice and possibly with the White House.

Why? Who approved or disapproved the leads they proposed to pursue, the search warrants they proposed to execute, the interviews they planned to conduct, the confessions they could have obtained? What justification was given for circumscribing their investigation? The FBI was boxed in—blamed on the one hand because it didn't develop the facts in the Watergate Case, but unable on the other hand to act on the leads its senior supervisory personnel proposed and knew to be necessary to develop the full story.

The FBI's senior personnel have not been allowed to tell their story. They should be—in an open forum. Only they know what really happened in a case that could quickly have been solved, but which instead has resulted in the most serious blow in 40 years to the reputation, integrity and morale of this great organization. Their new Director, Clarence Kelly, appears well qualified to give them good leadership once again. He can do a great service to that organization by letting the senior investigative personnel who were so close to getting to the bottom of the Watergate case step forward and tell the American public what really happened and who tied their hands.

If the American public is to regain its faith in the FBI—and it deserves that faith—the Bureau's story must be heard.

■◆■



## The Man Who Broke Watergate . . . Into It, and Wide Open

A CAREER SPOOK and Lieutenant Colonel in the Air Force Reserve, James McCord saw active service from 1943 to 1945 as a B-24 and then B-29 bombardier. His 25-year career in the intelligence services of this Nation began with the Federal Bureau of Investigation in 1942 and 1943, when he worked on radio intelligence duties in Washington and New York. After WW II, he returned to the FBI as a Special Agent in San Diego and San Francisco.

He joined the Central Intelligence Agency in 1951 as a security officer, first doing field investigative work and then at CIA headquarters in classified and sensitive personnel security matters. From 1962 to 1964, he was CIA's Senior Security Officer in the European area. He attended the Air War College in 1965 and returned to CIA as Chief of its Technical Security Division and later Chief of the Physical Security Division.

He retired from CIA in 1970, having earned its Certificate of Merit (1966) and Distinguished Service Award (1970). Prior to his employment at the Committee to Re-elect the President, he lectured at Montgomery College on industrial security and criminal justice and served as Director of a non-profit scientific and educational institute doing research on and providing technical assistance in industrial security.

Currently he is associated with Security International in Rockville, Md., and doing investigative journalism through a new, private newsletter, "The Washington Media Services Newsletter," to be first published in September. His hardback book, "Watergate Sanctions," is scheduled for publication late this month (Exposition Press, Jericho, N.Y., \$10.00).

A University of Texas graduate, McCord earned his Master of Science degree at George Washington University and did higher level graduate work there and at American University on Communist Chinese studies.

His son is a first classman at the Air Force Academy.

Convicted of felony on 30 Jan. of this year for his role in the Watergate break-in, his sentence has been deferred by Federal Judge John Sirica for an indefinite period of time pending Judge Sirica's review of McCord's cooperation with the Senate Watergate Committee and the Special Prosecutor, and other factors.

■◆■

## EXHIBIT No. 142

6 July 1972

Mr. Casper	_____
Mr. Rosen	_____
Mr. Mohr	_____
Mr. Bishop	_____
Mr. Miller, E.S.	_____
Mr. Callahan	_____
Mr. Casper	_____
Mr. Conrad	_____
Mr. Dalbey	_____
Mr. Cleveland	_____
Mr. Ponder	_____
Mr. Bates	_____
Mr. Wolkart	_____
Mr. Walters	_____
Mr. S. Evans	_____
Tele. Room	_____

MEMORANDUM FOR: The Acting Director  
Federal Bureau of Investigation

SUBJECT : Information Provided the Federal Bureau  
of Investigation Regarding the Watergate  
Incident

1. As a result of our conversation of 5 July, I would like to summarize the information which has been provided to you by the Agency in memorandum form (attention Mr. Arnold Parham) since the first series of memoranda on the subject beginning 20 June.

2. On 20 June separate memorandums were sent to you concerning Messrs. Frank Anthony Sturgis, Eugenio Rolando Martinez Careaga, Bernard L. Barker and Virgilio Gonzales. The papers detailed available information on the subjects. We said that Mr. Frank Anthony Sturgis had never been recruited by the Agency, that he was a soldier of fortune but that he had been associated with an Agency contact, Mr. Eugenio Rolando Martinez Careaga, since the early sixties. Their relationship was built on a mutual interest in Cuban exile activities. Mr. Martinez was recruited in January 1961 and has performed a variety of tasks for the Agency on Cuban matters up until June of this year. He has been on a \$100.00 a month retainer since 1969. Mr. Martinez is a business associate of Mr. Bernard Barker in a real estate firm in Miami. Mr. Barker was a regular contact of the Federal Bureau of Investigation in Cuba when turned over to the Agency in mid-1959. He was used as a source of information in Cuba until evacuated in early 1960. He was hired by the Agency in 1960 for work among exile groups and was terminated by the Agency on 31 July 1966. No Agency contact has been maintained with him since that date. A thorough investigation of our files at Headquarters and by our Station in Miami has failed to turn up any information regarding Mr. Gonzales' connection with any Agency personnel or Agency-sponsored activities.

WARNING NOTICE  
SENSITIVE INTELLIGENCE SOURCES  
AND METHODS INVOLVED

SECRET

EXEMPT FROM GENERAL DECLASSIFICATION SCHEDULE  
OF E. O. 11652, EXEMPTION CATEGORY:  
52(1), (2), (3) or (4) (Circle one or more)

-2-

3. In two memoranda on 21 June we informed you of our relationship with the Company and the

Corporation. The utilization of Company dates back to June 1963. Mr. has provided certain sensitive cover support overseas for Agency employees. In addition, Mr. was involved in the formation of the Cuban Freedom Committee -- an activity terminated several years ago. As of 1 May 1970 Mr. Everette Howard Hunt, who had just retired from the Agency, became a legitimate employee of Mr. Mullen. In July 1971 Mr. Hunt informed the Agency he had been assigned to the White House Staff but continued to devote part of his time to the Company. The Corporation is a client of the Company. is providing certain cover support to two Agency assets overseas. Over the years sixteen officials of have been cleared on certain aspects of our interests. They have not been informed of our use of the Company. Also on 21 June, in response to a verbal request of 20 June, we informed you that a check of our records disclosed no record of Agency involvement with the Association of National Advertisers or the words " ".

4. In a separate memorandum on 21 June we advised you that a review of the duties and assignments of Mr. James McCord provided no indication that he was involved in Cuban matters and that he was not assigned to the Bay of Pigs operation. We stated, however, that he might have developed personal acquaintances which are not recorded in official personnel and security records. We have no information regarding Mr. McCord's activities with Cuban exiles since his retirement. We indicated in the same memorandum that as an Agency employee, Mr. Hunt was involved in operational activities relating to Latin American countries and was known to have had some ties to Mr. Barker. In a separate memorandum of 27 June regarding Mr. Hunt, we informed you about the issuance of the alias, Edward V. Hamilton, to Mr. Hunt on 30 September 1960. This alias was subsequently used by Mr. Hunt for several drivers licenses. We provided additional information on this subject in a memorandum of 5 July and also reported that there is no information in our files to the effect that Mr. Hunt was issued a Social Security Card or Insurance Policy bearing the name Edward J. or Edward Joseph Hamilton.

-3-

5. Further, a memorandum was sent to you on 27 June regarding peripheral Agency contact with an ex-employee of Mr. James McCord, one Mr.

Mr.        was used by this Agency as a translator during the period June 1969 to June 1971. He has had no affiliation with the Agency since that time other than a personal relationship with a current Agency employee. One additional memorandum was provided you on 5 July regarding a Mr.

          who worked for the Agency as a Contract Employee from January 1965 until his retirement on 9 August 1971. Our Office of Personnel referred Mr.        to McCord Associates for employment upon retirement. He submitted a formal application but decided to accept employment elsewhere.

6. In addition to the above cited memoranda and several lesser items of information provided telephonically to Mr. Arnold L. Parham of your Alexandria office, the Director of Central Intelligence informed you orally on 27 June regarding information available to us on Mr. Manuel Ogarrro Daguerre, a Mexican national who has offices located in the same building as the Banco Internacional of Mexico City. In short, Mr. Manuel Ogarrro Daguerre has not had any operational contacts with this Agency. On 28 June the Director of Central Intelligence also informed you orally regarding our information concerning Mr. Kenneth Harry Dahlberg. The last recorded contact of the Agency with Mr. Dahlberg was in May 1961.

7. Our Office of Security is in frequent contact with members of your staff in connection with the investigations you are conducting. The above information is for your use only and should not be disseminated outside your Bureau.

Vernon A. Walters  
Lieutenant General U.S.A.  
Acting Director

## EXHIBIT NO. 143

CENTRAL INTELLIGENCE AGENCY  
WASHINGTON, D.C. 20505

7 July 1972

MEMORANDUM FOR: The Acting Director  
Federal Bureau of Investigation

SUBJECT : Everette Howard Hunt, Jr.

1. This memorandum is forwarded in connection with our memorandum of 5 July on Subject in response to your request of 30 June 1972 for information as to any other aliases or documentation issued Subject by this Agency.

2. During July and August 1971, Subject was issued two sets of alias documentation in the names of George F. Leonard and Edward Joseph Warren. Details of these documents are available if desired, but no signature exemplars are available. He was also provided certain other operational support items. We understood that these were to be used in connection with attempts to ascertain the facts of cases of document leaks. These matters were not in any way connected to Agency operations but were supplied in response to a duly authorized extra-Agency request. This assistance was terminated when Subject's requests escalated beyond appropriate limits. No further support was extended to Subject after August 1971.

3. This information is being provided in confidence and should not be disseminated outside your Bureau. Please refer any further correspondence on this matter to me.

Sincerely,



Vernon A. Walters  
Lieutenant General, USA  
Acting Director

SENSITIVE INFORMATION  
SENSITIVE INTELLIGENCE SOURCES  
AND METHODS INVOLVED

SECRET

<p>EXEMPT FROM GENERAL DECLASSIFICATION OF E. O. 11652, EXEMPTION CATEGORY: § 59(1), (3) or (4) (circle one or more) AUTOMATICALLY DECLASSIFIED ON _____ APPROVAL OF DCI _____ (unless impossible, insert date or event)</p>
--

Rec'd 2:15 PM 7-12-72 from VERNON WALTERS

MEMORANDUM

2. Aside from the above contact with respect to the recorder, there were contacts with Mr. Hunt with respect to false documents and disguise for himself and an associate. He was loaned a clandestine camera, which was returned. We developed one roll of film for Mr. Hunt, of which we have copies showing some unidentifiable place, possibly Rand Corporation. We have had no contact whatsoever with Mr. Hunt subsequent to 31 August 1971 on this matter.

**Note: Memo provided to the Acting Director, FBI on 28 July 1972.**

**WARNING NOTICE**  
**SENSITIVE INTELLIGENCE SOURCES**  
**AND METHODS INVOLVED**

CLASSIFIED BY - 05647  
EXEMPT FROM GENERAL DECLASSIFICATION  
SCHEDULE OF E.O. 11652, EXEMPTION CATEGORY  
I  
§ 552(a)(1) (2) or (3) (b)(1) and/or (b)(7)  
AUTHORITY DERIVED FROM:  
Approved by DCI

## EXHIBIT No. 144A

## American Nurses' Association, Inc.

2420 Pershing Road, Kansas City, Missouri 64108

(816) 474-5720

Rosalind C. Gabrielson, M.A., R.N.  
PresidentEileen M. Jacobi, Ed.D., R.N.  
Executive DirectorWashington Office:  
1030 15th Street, N.W.  
Washington, D.C. 20005  
(202) 296-8010

TO: Senator Ervin

FROM: Constance Holleran, *CH* Deputy Executive Director, Washington Office

DATE: July 27, 1973

---

Our office continues to get calls from nurses who feel that patients will necessarily be concerned about their right to privacy after hearing Mr. Ehrlichman's comments earlier this week. Attached is a copy of the Code of Ethics of the American Nurses' Association for your use as you see appropriate. You received a telegram on this matter earlier from our headquarters office but thought you should know about the numbers of concerned nurses calling us.

CH:mw

Attachment

# code for nurses with interpretive statements

## INTRODUCTION

The development of a code of ethics is an essential characteristic of a profession, and provides one means whereby professional standards may be established, maintained, and improved. A code indicates a profession's acceptance of the responsibility and trust with which it has been invested. Each practitioner, upon entering a profession, inherits a measure of that responsibility and trust and the corresponding obligation to adhere to standards of ethical practice and conduct set by the profession.

The Code for Nurses, adopted by the American Nurses' Association in 1950 and revised in 1960 and 1968, is intended to serve the individual practitioner as a guide to the ethical principles that should govern her nursing practice, conduct, and relationships. The Code and the accompanying interpretive statements clarify the essential areas in which definite standards of practice and conduct are seen as essential to the full and ethical discharge of the nurse's responsibility to the public, to other groups with whom she may be associated, and to the profession of which she is a member. Each nurse has an obligation to uphold and adhere to the Code in her individual practice and to ensure that her colleagues do likewise.

Guidance and assistance in implementing the Code in local situations may be obtained from committees or councils on nursing practice of State Nurses Associations. Further information about the Code and its interpretation may be obtained from the ANA Nursing Practice Department.

## The Code for Nurses

- 1 The nurse provides services with respect for the dignity of man, unrestricted by considerations of nationality, race, creed, color, or status.
- 2 The nurse safeguards the individual's right to privacy by judiciously protecting information of a confidential nature, sharing only that information relevant to his care.
- 3 The nurse maintains individual competence in nursing practice, recognizing and accepting responsibility for individual actions and judgments.
- 4 The nurse acts to safeguard the patient when his care and safety are affected by incompetent, unethical, or illegal conduct of any person.
- 5 The nurse uses individual competence as a criterion in accepting delegated responsibilities and assigning nursing activities to others.
- 6 The nurse participates in research activities when assured that the rights of individual subjects are protected.
- 7 The nurse participates in the efforts of the profession to define and upgrade standards of nursing practice and education.
- 8 The nurse, acting through the professional organization, participates in establishing and maintaining conditions of employment conducive to high-quality nursing care.
- 9 The nurse works with members of health professions and other citizens in promoting efforts to meet health needs of the public.
- 10 The nurse refuses to give or imply endorsement to advertising, promotion, or sales for commercial products, services, or enterprises.

- 1 The nurse provides services with respect for the dignity of man, unrestricted by considerations of nationality, race, creed, color, or status.

The need for nursing care is universal, cutting across all national, ethnic, religious, cultural and economic differences, as does nursing's response to this fundamental human need. Whoever the individual and whatever his background and circumstances, his nursing care should be determined solely by his needs as a unique human being. Individual differences in background, customs, attitudes, and beliefs influence nursing practice only insofar as they represent factors that the nurse must understand, consider, and respect in tailoring care to personal needs and in maintaining the individual's self-respect and dignity. In whatever employment setting she may be, the nurse herself should adhere to this principle of nondiscriminatory, nonprejudicial care and endeavor to promote its acceptance by others.

The nurse's respect for the worth and dignity of the individual human being extends throughout the entire life cycle, from birth to death, and is reflected in her care of the defective as well as the normal, the patient with a longterm in contrast to an acute illness, the young and the old, the recovering patient as well as the one who is terminally ill or dying. In the latter instance the nurse should use all the measures at her command to enable the patient to live out his days with as much comfort, dignity, and freedom from anxiety and pain as possible. His nursing care will determine, to a great degree, how he lives this final human experience and the peace and dignity with which he approaches death.

- 2 The nurse safeguards the individual's right to privacy by judiciously protecting information of a confidential nature, sharing only that information relevant to his care.

The nurse has a clear obligation to safeguard any confidential information about the patient that she may acquire from the patient himself or from any other source. The nurse-patient relationship is built on trust; this relationship could be destroyed and the patient's welfare and reputation jeopardized by the nurse's injudicious disclosure of confidential information.

In some instances, however, knowledge gained in confidence is relevant or essential in planning the patient's care. Under these circumstances, and guided by her professional judgment, the nurse may share the pertinent information with others who are directly



concerned with the patient's care. But she discloses only the information relevant to the patient's welfare, and only to those who are responsible for maintaining and promoting it. The rights, well-being, and safety of the individual patient should be the determining factors in the decision to share this information.

Occasionally, the nurse may be obligated to give testimony in court in relation to confidential information about a patient. Under these circumstances, she should obtain legal counsel before testifying in order to be fully informed as to her rights and responsibilities in relation to both her patient and herself.

### 3 The nurse maintains individual competence in nursing practice, recognizing and accepting responsibility for individual actions and judgments.

The nature of nursing is such that inadequate or incompetent practice could result in the loss of health or even the life of the patient. Therefore, the maintenance of competence in practice is the personal responsibility of each individual practitioner. Over and above the moral obligation this imposes on the individual nurse, she can be held legally responsible—in the event of injury to a patient—if it is proved that she has failed to carry out the actions or to exercise the judgment that is considered standard nursing practice within the particular area and at the time of the injury. Neither physician's orders nor the employing agency's policies relieve the nurse of responsibility for her own nursing actions or judgments.

Competence is a relative term; and an individual's competence in any field may be diminished or otherwise affected by the passage of time and the emergence of new knowledge. This means that for the patient's optimum well-being and for the nurse's own professional development, her nursing care should reflect and incorporate new techniques and knowledge in health care as these develop, and especially as they relate to her particular field of practice.

Nursing knowledge, like that in the other health disciplines, is rendered rapidly obsolete by mounting technological and scientific advances, changing concepts and patterns in the provision of health services, and increasingly complex nursing responsibilities. The nurse must therefore be aware of the need for continuous updating and expansion of the body of knowledge on which her practice is based, and must keep her knowledge and skills current by whatever means are appropriate and available to her: inservice

education, academic study, professional reading, conferences, workshops, and the like. Only by such continuing infusion of new knowledge and skills into her practice can the nurse maintain her individual competence and provide nursing care of high quality to the public.

### 4 The nurse acts to safeguard the patient when his care and safety are affected by incompetent, unethical, or illegal conduct of any person.

Inasmuch as the nurse's primary commitment is to the patient's care and safety, she must be alert to, and take appropriate action regarding, any instances of incompetent, unethical, or illegal practice by any member of the health care team, or any action on the part of others that is prejudicial to the patient's best interests. "Appropriate action" may take the form of expressing her concern to the person carrying out the questionable practice and calling attention to the possible detrimental effect upon the patient's welfare. If indicated, the practice should be reported to the appropriate authority within the institutional or agency setting. It is highly desirable that there be an established mechanism for the reporting and handling of incompetent, unethical or illegal practice within the employment setting, so that such reporting can go through official channels and be done without fear of reprisal.

When incompetent, unethical, or illegal practice on the part of anyone concerned with the patient's care (nurses, ancillary workers, technical specialists, or members of other professional disciplines, for instance) is not corrected within the employment setting and continues to jeopardize the patient's care and safety, additional steps need to be taken. It should be reported to such other appropriate authorities as the practice committees of the various professional organizations, or the legally constituted bodies concerned with licensing of specific categories of health workers or professional practitioners. Some situations may warrant the concern and involvement of all these groups.

Reporting should be both factual and objective, and the nurse should be fully aware of the state laws governing practice in the health care field and of the employing institution's policies in relation to incompetent, unethical, or illegal practice. Whenever a practice threatens the patient's health, welfare, or safety, the nurse has no choice but to take appropriate action in his behalf.

### 5 The nurse uses individual competence as a criterion in accepting delegated responsibilities and assigning nursing activities to others.

Because of the increased complexity of health care, changing patterns in the delivery of health services, and continuing shortages in skilled health manpower, nurses are being requested or expected to carry out functions that have formerly been performed by physicians. In turn, nurses are assigning some former registered nurse functions to variously prepared ancillary personnel. In this gradual shift of functions, the nurse is the "middle man". It is fully as important that she exercise judgment in accepting responsibilities as in assigning responsibilities to others.

Medical and nursing practice acts are usually expressed in broad and general terms, and offer little guidance, direction, or protection to the nurse in relation to her acceptance or performance of specific delegated medical functions. A recognition by nurses of the need for a more definitive delineation of medical and nursing roles and responsibilities has resulted in collaborative efforts on the part of the official nursing, hospital, and medical organizations to develop joint policy statements. These statements specify the functions that are agreed upon as appropriate and proper for the nurse to perform. They include the circumstances under which she should and should not carry out these functions, and the required preparation in the skills and judgments necessary to perform the functions. Such statements represent a body of expert judgment that can be used as authority where responsibilities are not definitively outlined by legal statute. Similar formulations have been developed and made official policy within many individual health care agencies and institutions.

The nurse should look to such mutually agreed-upon policy statements for guidance and direction. But even where such statements exist, the individual nurse should also assess her personal competence carefully before accepting these responsibilities. If she does not consider herself competent or adequately prepared to carry out a specific function, she should feel free, without fear of censure, to refuse to do so; in so doing, she protects both the patient and herself.

The reverse of the coin is also true. The nurse should not accept delegated responsibilities that do not utilize her nursing skills and competencies or that prevent her from providing needed nursing care to patients.

Inasmuch as the nurse is responsible for the patient's total nursing care, she must also assess individual competence in assigning selected components of that care to other nursing service personnel. The nurse should not delegate to any member of the nursing team a function which that person has not been prepared for or is not qualified to perform.

Concern for the patient's welfare and safety is the nurse's primary consideration in both accepting and assigning these various responsibilities. Decisions in this area call for knowledge of, and adherence to, the joint policy statements and to the laws regulating medical and nursing practice, as well as for the exercise of informed, professional nursing judgment.

## 6 The nurse participates in research activities when assured that the rights of individual subjects are protected.

Nurses today find themselves increasingly involved in research activities, as members of many disciplines, including nursing, search for improved methods of patient care and treatment. Generally speaking, nurses in the research setting assume one of two roles: that of investigator, including membership on a research team; or that of practitioner, giving care to patients serving as subjects in a research study. The latter role may call for specified nursing performance as part of the research design and/or the gathering or reporting of specific data.

This item in the Code focuses on the role of the nurse as a practitioner in a research setting as guidelines for the nurse investigator have been delineated in the ANA publication *The Nurse in Research: ANA Guidelines on Ethical Values*.

The nurse practitioner is, first of all, responsible for rendering quality nursing to all patients entrusted to her care. Implicit in this care is the protection of the individual's rights as outlined in the above publication: privacy, self-determination, conservation of personal resources, freedom from arbitrary hurt and intrinsic risk of injury, and the special rights of minors and incompetent persons. While the research investigator assumes primary responsibility for the preservation of these rights, the individual nurse practitioner within the research setting should also be aware of them and of her share in this responsibility.

Research projects may call for specific observations, treatments, or care procedures that represent variations from the usual. The nurse participates in such

research or experimental activity only with the assurance that the project has the official sanction of the research committee or other appropriate authority within the institutional or agency setting. For her own and the patient's protection, she needs sufficient knowledge of the research design to enable her to participate in the required activities in an informed, effective, and ethical fashion. With this knowledge, she is conscientious in carrying out her specific functions and responsibilities as outlined in the research design.

Investigational drugs, potentially harmful to the patient, may represent a special problem. The nurse administering such drugs should have basic information about them: method of administration, strengths, actions and uses, side effects, symptoms of toxicity, and so on.

Occasionally, the research may be of such a nature as to give rise to questions, and perhaps conflicts, for the nurse where it appears that the well-being and safety of the patient are adversely affected by procedures prescribed as part of the project. In such instances the nurse is obligated to voice her concern to appropriate persons in the agency. She should also bear in mind that participation in research activities does not relieve her of responsibility for her own acts and judgments.

Participation in research activities carries the implication that the nurse will want and is entitled to information about the study findings, and that she will utilize in her own practice appropriate findings from research studies related to nursing education and practice.

## 7 The nurse participates in the efforts of the profession to define and upgrade standards of nursing practice and education.

The professional association, through its membership, is responsible for determining standards of nursing practice and education. The key phrase "through its membership" means that each nurse should share in the activities that go into developing, evaluating, disseminating, and implementing these standards. These standards, furthermore, should be reflected in the individual nurse's preparation and practice. Standards represent not only professional goals but also a means of ensuring a high quality of nursing care for the public. As such, each nurse has a vested interest in developing and maintaining them.

Standards can never be static because of the constantly changing nature of health care and of educa-

tional patterns. As an active participant in the necessarily continuous process of defining, maintaining, and upgrading standards of nursing practice and education, the nurse must keep herself informed of present and projected standards. She should adhere to these standards in her own practice; help to disseminate them and provide for their implementation in the institution or agency with which she is associated; and take responsible and remedial action when standards are violated. Through the channels provided by her professional association, she should work to support the standards that have been adopted, or endeavor to revise or upgrade them as indicated.

## 8 The nurse, acting through the professional organization, participates in establishing and maintaining conditions of employment conducive to high-quality nursing care.

The nurse must be concerned with the conditions of economic and general welfare within her profession because these conditions are important determinants in the recruitment and retention of well-qualified personnel and in the opportunity for each nurse to function to her fullest potential in the working situation. If the needs and demands of society for both quantity and quality of nursing care are to be met, the professional association and the individual nurse must share in the effort to establish conditions that will make it possible to meet these needs.

An appropriate channel through which the nurse can work constructively, ethically, and with professional dignity to promote the employment conditions conducive to high-quality nursing care is the economic security program of her professional association. This program, encompassing commitment to the principle of collective bargaining, promotes the right and responsibility of the individual nurse to participate in determining the terms and conditions of her employment.

This participation, to be most productive, should be in the form of a group approach to economic action, through the channels provided by the professional organization and with that organization providing assistance and representation in nurses' collective negotiations with employers. In this way, the nurse can work most effectively to achieve working conditions that will be commensurate with her preparation, qualifications, functions, and responsibilities today and in so doing, will promote the welfare of the public.

9

The nurse works with members of health professions and other citizens in promoting efforts to meet health needs of the public.

It is increasingly recognized that society's need and mounting demand for comprehensive health services can be met only through a broad and intensive effort on the part of both the community and the health professions. The nurse, with her special knowledge and skills in the health field, her essential role in the provision of health services, and her traditional commitment to ever higher standards of health care, has an obligation to participate actively and responsibly in professional, interprofessional, and community endeavors designed to meet the health needs of the public.

She should involve herself in both the planning and implementation of the health services needed, maintaining open and constructive communication with the citizen and professional groups involved. Especially important in this process is the exploration by physician and nurse of their interdependent functions as these relate to the delivery of comprehensive health services. Such exploration calls for a continuous exchange of ideas between members of the two professions on local, state, regional, and national levels, the goal being closer liaison between the two groups in the interest of improved patient care.

A similar and continuing communication should also be carried on with representatives of the other disciplines in the health field—pharmacy, social service, nutrition, physical, occupational, and recreational therapy, hospital or agency administration—as well as with specialized technical groups providing various health services. Nurses must work together with representatives of these groups in defining, exploring, and enhancing the relationships created by their interaction and mutual concern with health care.

The nurse, because of her close and continuing contact with patients and families, and awareness of both individual and community health needs, has much to contribute to community planning for health services. By assuming an active and, on occasion, a leadership role in these activities, nurses can help to shape programs that will provide the public with care that takes full advantage of the resources of modern science.

10

The nurse refuses to give or imply endorsement to advertising, promotion, or sales for commercial products, services, or enterprises.

Over the years the public has learned to trust and respect the nurse and to have confidence in her judgment and advice. Very often, the individual nurse represents the entire profession to patients and others. This means that what one nurse says or does may be interpreted as reflecting the action, opinion, or judgment of the profession as a whole. Therefore, this favorable professional image should not be used in ways that might be misleading or harmful to the public and bring discredit upon the nurse and her profession. The nurse should not permit her name, title, professional status, or symbols—uniform, pin, or the letters "R.N." for instance—to be used or associated with the promotion of any commercial product or service.

The right to use the title "Registered Nurse" is granted by state governments through licensure by examination for the protection of the public. Use of the title carries with it the responsibility to act in the public interest. This title, and other symbols of the profession, should not be used for the personal benefit of the nurse or those who may seek to exploit them for other purposes.

By permitting her professional self or the nursing profession's symbols or representations to be used in association with a particular product or service, the nurse places herself in the position of seeming to endorse, or recommend, or make the judgment that one among several similar and competing products is preferable to the others. She has neither the qualifications nor authority to make this judgment. The public, because of its tendency to identify the individual with the profession, may construe this individual action as reflecting endorsement or approval of a product or service by the profession as a whole. In some instances, such action on the part of an individual nurse could also be interpreted as a violation of the legal statutes forbidding nurses to make medical diagnosis or to prescribe medications or treatments.

Nursing symbols and representations of nurses may be used in advertisements directed to members of

the health professions, but only in such advertisements, and never to imply medical diagnosis or prescription, or professional endorsement of commercial products.

The nurse may indicate the availability of her own services by listing herself in directories or professional publications available to the public. Properly used, such advertising may prove of benefit to the public in securing needed care. It is expected, however, that nurses will present the necessary information in a manner consistent with the dignity of the profession and in keeping with the general practices of other professional groups within the community.

Not only should the nurse herself adhere to the above principles; she should also be alert to any instances of their violation by others. She should report promptly through appropriate channels, any advertisement or commercial which involves a nurse, implies her involvement, or in any way suggests nursing endorsement of a commercial product, service, or enterprise. The nurse who knowingly involves herself in such unethical activities negates her professional responsibility for personal gain, and jeopardizes the public confidence and trust in the nursing profession that have been created by generations of nurses working together in the public interest.

Prepared by ANA Committee on Ethical, Legal and Professional Standards

Elizabeth C. Stobo, chairman  
Mary E. Macdonald, vice chairman  
Lucy H. Conant  
Rosamond C. Gabrielson  
Barbara J. Horn  
Mrs. Myra E. Levine  
Mrs. Barbara W. Madden  
Mrs. Geraldine Price  
Dorothy M. Smith  
Mrs. Henrietta Walsh

AMERICAN NURSES' ASSOCIATION  
10 Columbus Circle, New York, N.Y. 10019

## EXHIBIT No. 145

4/15/73  
Wash., D.C.

Memo to: Henry E. Petersen - Asst. Atty. Gen.

In view of the information which you, Harold Titus, and Earl Silbert furnished to me at my home between 1:00 A.M. and 4:30 A.M., this date, with respect to the ongoing "Watergate" investigation and related matters, which such information for the first time creating the possibility that former Atty. Gen. Mitchell and others with whom I have had a close official and/or personal relationship with in the past might be guilty of criminal conduct in violation of federal law, I hereby recuse myself, effective immediately, from any further participation in these matters.

I hereby direct you to be responsible in these matters as if you were the Attorney General.

I further request that you communicate the contents hereof to U. S. Attorney Titus, Asst. U. S. Attorney Silbert, Acting Director L. P. Gray, III of the FBI and such other persons as you deem advisable.

/s/ Richard G. Kleindienst  
Attorney General

received - 3:30 p.m.  
4/15/73 HEP

## EXHIBIT No. 146

Memorandum for the record

5 December 1972

## TSD Photographs

At least one photograph shows a Volvo automobile with California license plates # 377 CUJ, in a reserved space for "Dr. Fielding". There is reference to "Beverly Hills" under the auto tags. An appropriate check by the Office of Security has determined that a 1971 Volvo Sedan, California license number 377 CUJ, is registered to Lewis J. Fielding or Elizabeth B. Fielding, 450 N. Bedford Drive, Beverly Hills, California.

Another photograph identifies a business establishment as the "Postal Instant Press." The California Telephone Directory, Northwestern Area, lists the Postal Instant Press with business locations at North Hollywood, Glendale, Panarama City, Reseda, and Sherman Oaks.

**SECRET****Memorandum for the Record****TSD Photographs**

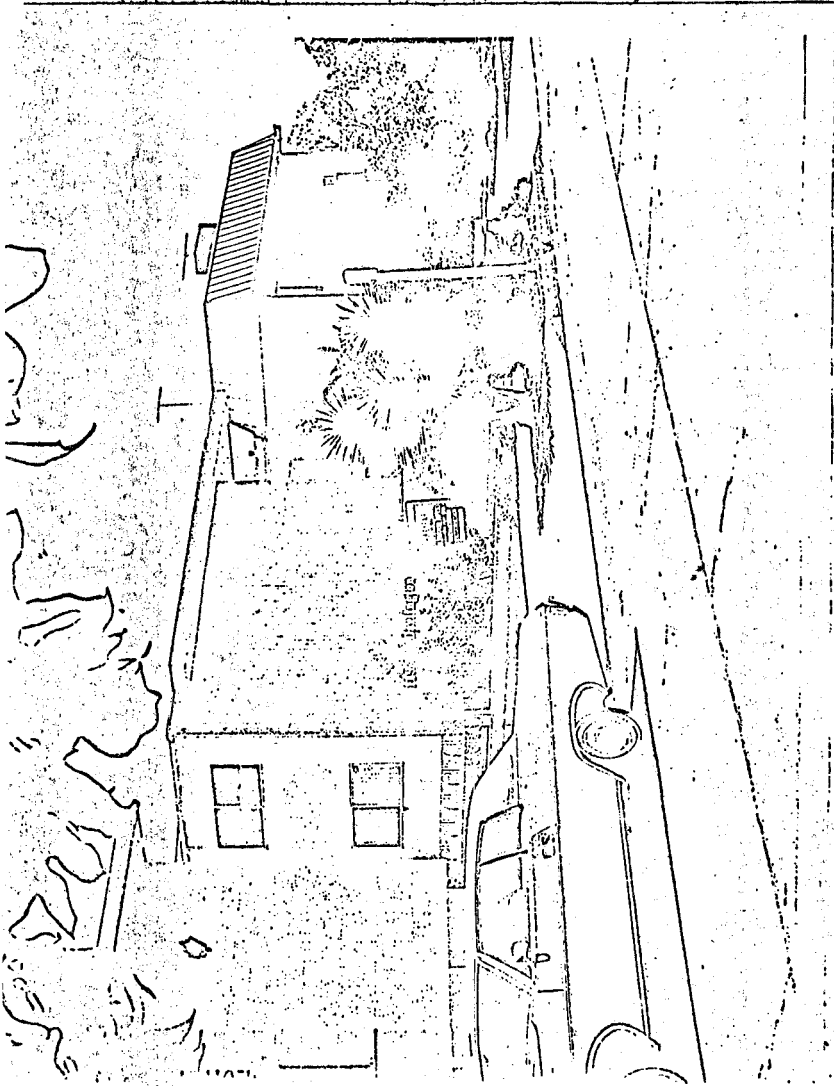
One of the photographs shows the Vassel's Barber Shop. The yellow pages of the Beverly Hills telephone directory lists Vassel's Barber Shop, 9637 Sta Monica, telephone 276-0194.

One of the photographs shows a shop named MEDITERRANEE. The Western Area California telephone directory lists the MEDITERRANEE, 9645 Santa Monica BH, telephone 275-2839.

One of the photographs shows the Postal Instant Press. Apparently there are numerous sub-units of this organization. The Los Angeles telephone directory lists the corporate headquarters of PIP at 10835 Santa Monica W stwd, telephone 475-0751.

One of the photographs shows # 11928, The Brentwood Towers East. This may possibly have some affiliation with the Brentwood Apartments, listed in the Los Angeles telephone directory as having an office at 1020 W. Pico, telephone 746-9962.

SECRET

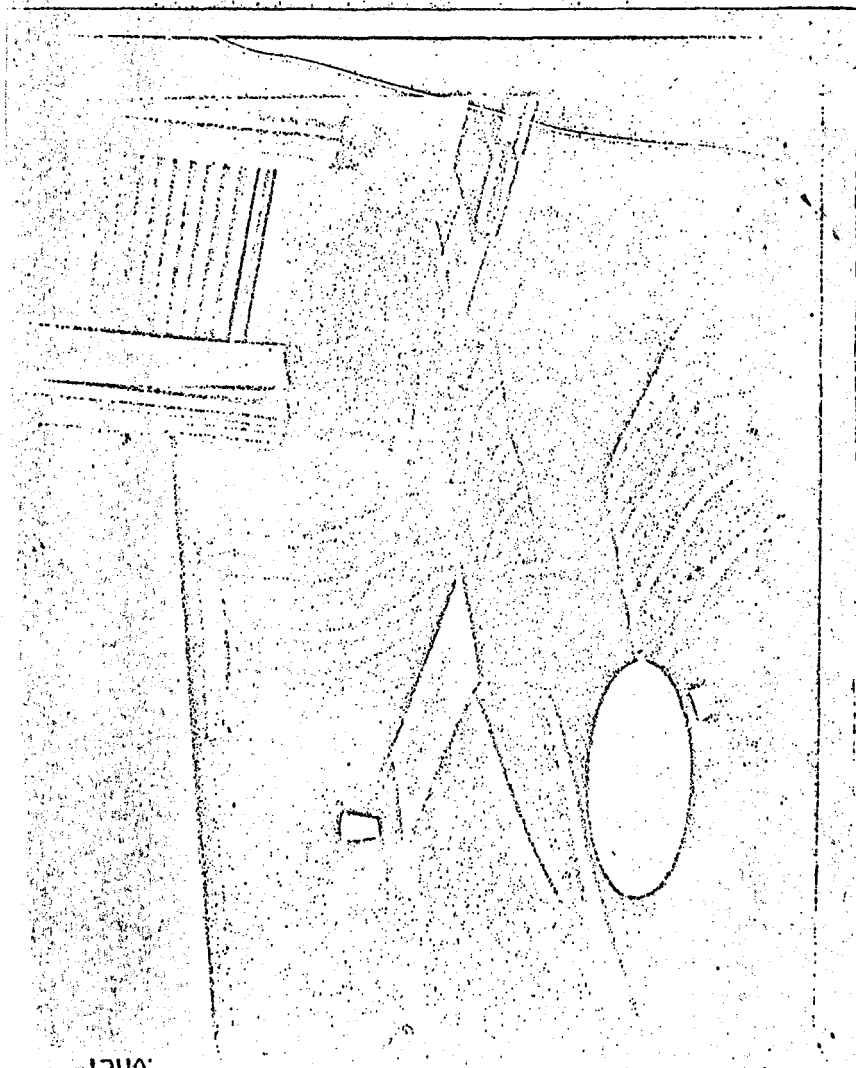


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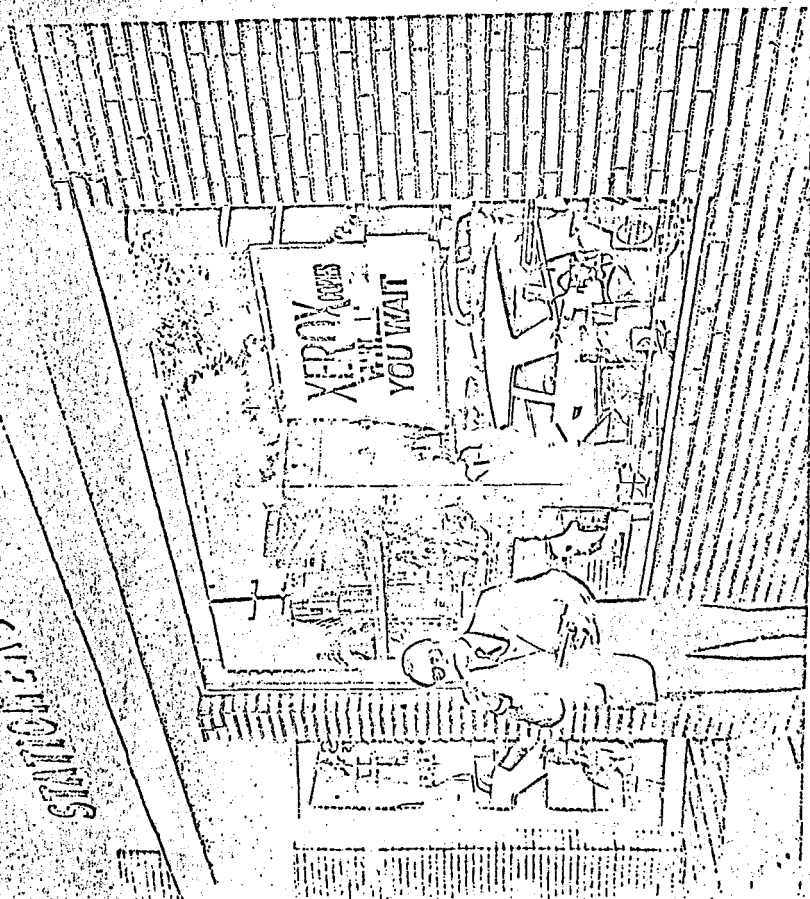


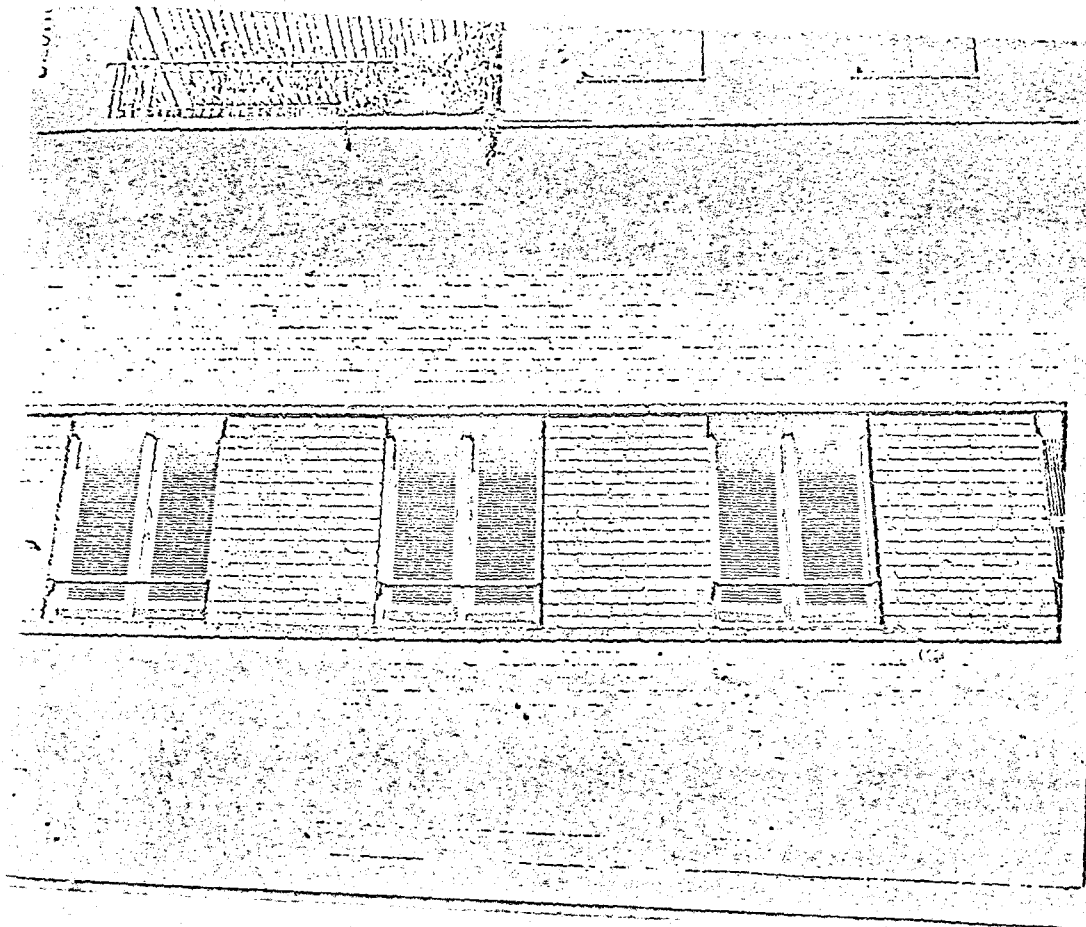
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STATIONERY

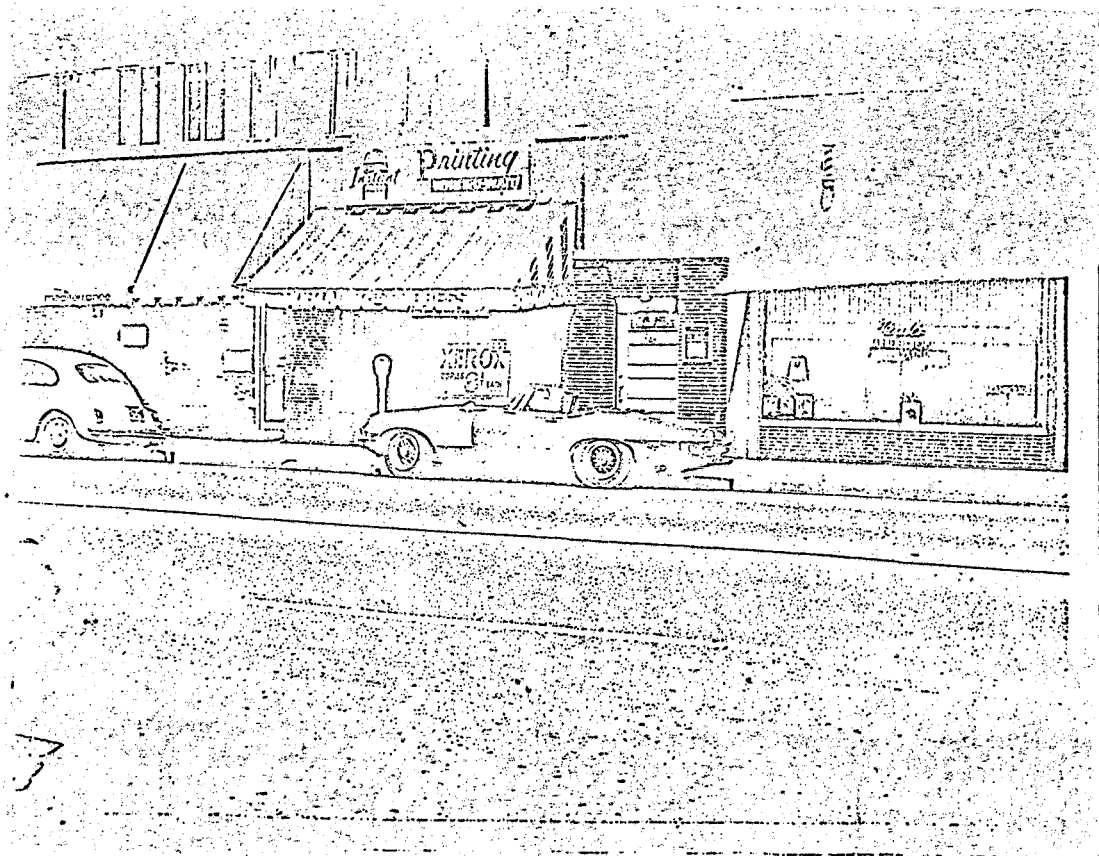


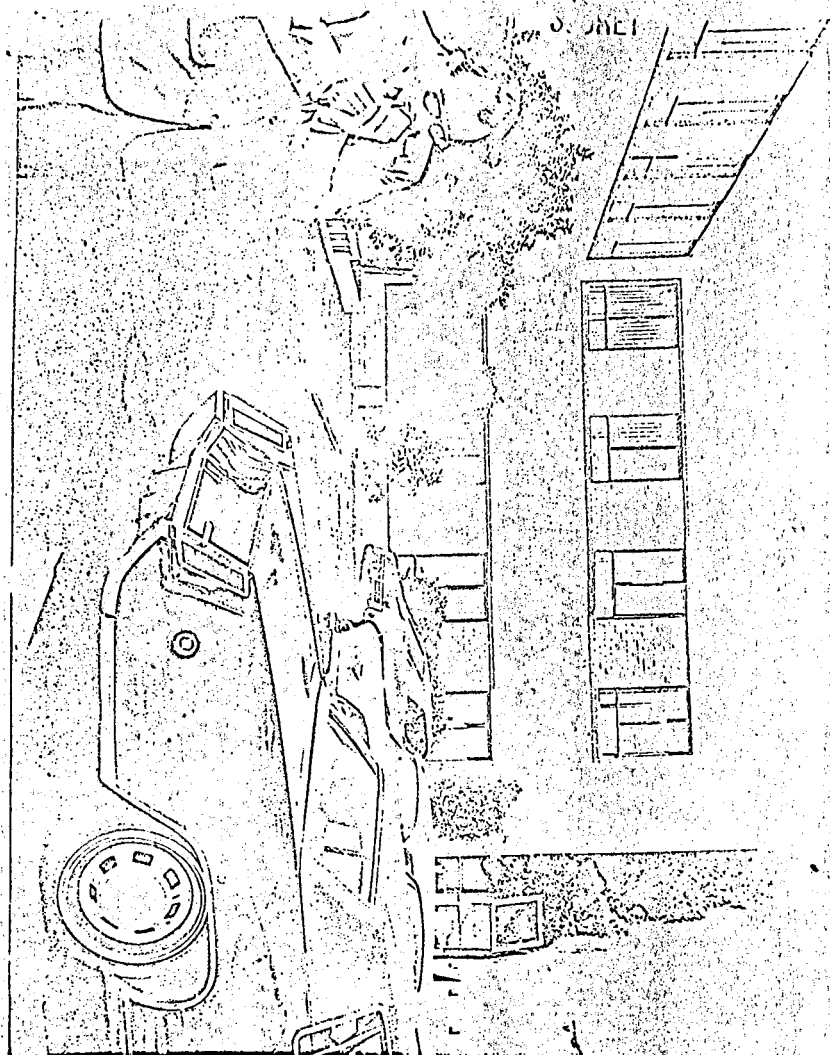


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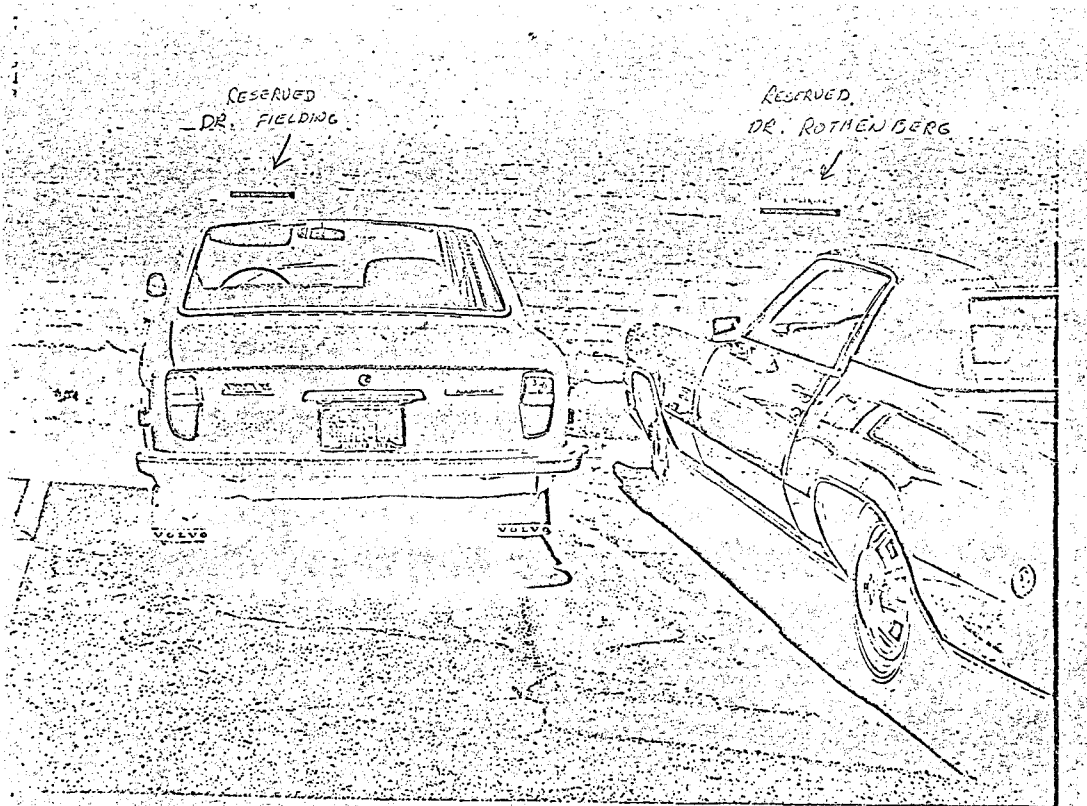


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SECRET



SECRET

TO REPRESENTATIVES OF ANY OF THE CONTINGENT INSURANCE COMPANIES HOLDING POWER OF ATTORNEY TO EXECUTE BONDS in case of accident or traffic law violation involving any automobile insured for bodily injury liability by this policy, occurring during the policy period, you are hereby authorized to execute, in compliance with our underwriting requirements, without charge, any release of attachment bond in an amount not in excess of the applicable limit of liability of the policy, or, if not contrary to the law or to the terms of your power of attorney, to execute a bail bond in an amount not exceeding five thousand dollars, requested as a result of the accident or traffic law violation, for the insured insured, his chauffeur or any immediate member of his family.

LEONARD, GEORGE F  
1601 WASHINGTON AVE  
KANSAS CITY KS 66102

01J2D1 065530 062574  
1 M-BROWN510160  
065-38-2491  
OPERATOR

NOT A VEHICLE REGISTRATION

COMPLETE AND KEEP THIS FORM IN YOUR CAR AT ALL TIMES

INSURED George F. Leonard

POLICY NO. 11 AF 921041

COMPANY 5/5/72

EXPIRES



SOCIAL SECURITY	
ACCOUNT	NUMBER
065-38-2491	
HAS BEEN ESTABLISHED FOR	
George Frank Leonard	
SIGNATURE	
FOR SOCIAL SECURITY AND TAX PURPOSES—NOT FOR IDENTIFICATION	

### RCA RECORD CLUB

PO Box 1951  
Indianapolis, Ind. 46206

GEORGE F LEONARD

NAME OF MEMBER  
3278359-1276

MEMBERSHIP ACCOUNT NUMBER

This card was designed to simplify your shopping in the RCA Record Club and establish instant charge privileges for you. As an active member in good standing, you may order records first and pay after receiving them.

### NEW YORK LIFE INSURANCE COMPANY

#### INDIVIDUAL & FAMILY HEALTH INSURANCE INFORMATION CARD

Policyowner GEORGE F LEONARD

Policy Number H-922 402

OVER



MEMBER  
Bro-Dart Home Library Plan  
Box 922, Williamsport, Pa. 17701

ACCOUNT NO. 0 003445

MR GEORGE F LEONARD  
1601 WASHINGTON AVE  
KANSAS CITY KS 66102



### MEMBER'S IDENTIFICATION National Rifle Association of America

LIFE MEMBER

GEORGE F LEONARD  
1601 WASHINGTON AVE  
KANSAS CITY KS 66102

Signature

SECRET



wallachs

charge account identification

MR EDWARD J WARREN  
143 W 73RD ST  
NEW YORK N Y 10023

signature \_\_\_\_\_

Please notify us if this card is lost or your address is changed

FIRST NATIONAL CITY BANK

EDWARD J WARREN  
143 W 73RD ST  
NEW YORK NY 10023

ACCOUNT NUMBER 05 2319 395 X/C

ACCOUNT NUMBER

Based on evidence of your creditworthiness - The First National City Bank

CONTINENTAL INSURANCE COMPANY



INSURED Edward J. Warren  
POLICY NO. 11 AF 654082  
COMPANY Continental Ins. Co. Inc.  
EXPIRES 7/31/72

COMPLETE AND KEEP THIS FORM IN YOUR CAR AT ALL TIMES

THIS CARD IS THE PROPERTY OF THE CONTINENTAL INSURANCE COMPANY

TO REPRESENTATIVES OF ANY OF THE CONTINENTAL INSURANCE COMPANIES HOLDING POWER OF ATTORNEY TO EXECUTE BONDS

In case of accident or traffic law violation involving any automobile insured for bodily injury liability by this policy occurring during the policy period, you are hereby authorized to execute, in compliance with our underwriting requirements, without charge, any release or attachment bond in an amount not in excess of the applicable limit of liability of the policy, or, if not contrary to the law in the terms of your power of attorney, to execute a bail bond in an amount not in excess of the applicable limit of liability as a result of the accident or traffic law violation, for the named insured, his co-insured or any immediate member of his family.

MAY 1969 65597

NEW YORK STATE TRAFFIC LICENSE		NEW YORK STATE DEPARTMENT OF CORRECTIONS ENTER NEW CONVICTIONS FOR REVERSE SIDE	
OPERATOR	10/09/10 M	FEES	3.00
IDENTIFICATION NUMBER	WD1657 53072 666403-1	EXPIRES	3/31/73
NAME	WARREN, EDWARD, J	NAME	WARREN, EDWARD, J
ADDRESS	143 W 73 ST NEW YORK NY YBK625 MAR 24 1970 NYC DEPARTMENT OF 031 MOTOR VEHICLES	PROBATION BEGAN	3/31/73
VIOLATION DATA	DESCRIPTION OF VIOLATION		PENALTY

**RCA RECORD CLUB**  
PO Box 1961  
Indianapolis, Ind. 46206

**EDWARD J. WARREN**  
NAME OF MEMBER  
3278352-121E  
MEMBERSHIP ACCOUNT NUMBER

This card was designed to simplify your shopping in the RCA Record Club and establish instant charge privileges for you. As an active member in good standing, you may order records first and pay after receiving them.

**NEW YORK LIFE INSURANCE COMPANY**

**EDWARD J. WARREN**  
NAME OF MEMBER  
3278352-121E  
MEMBERSHIP ACCOUNT NUMBER

Policyowner **EDWARD JOSEPH WARREN**  
Policy Number **H-675 208**

OVER

**SOCIAL SECURITY**  
ACCOUNT NUMBER  
065-C9-2015  
HAS BEEN ESTABLISHED FOR  
**Edward Joseph Warren**  
SIGNATURE  
FOR SOCIAL SECURITY AND TAX PURPOSES—NOT FOR IDENTIFICATION

**National Rifle Association of America**

This is to Certify that  
**Edward J. Warren**  
is a  
**LIFE MEMBER**  
of this Association  
Elected 1-12-65

## EXHIBIT No. 147

April 16, 1973

John Ehrlichman

We have no other information as of this time except the following items:

1. That Ehrlichman in the period immediately following the breakin told John Dean to "deep six" certain information recovered by Dean from Hunt's office.

2. That Ehrlichman through Dean informed Liddy that Hunt should leave the country. Hunt corroborates this in that he testified before the grand jury that Liddy told him that his, Liddy's, principals, wanted Hunt out of the country. Hunt states that as he was preparing to leave, he was called again by Liddy and informed by Liddy that Liddy's principals had countermanded the order. Hunt further states that notwithstanding he then departed for California.

With respect to Item One you will recall that I told you that Dean had on one occasion indicated to me that he had given certain non-Watergate information recovered from Hunt's office to Pat Gray personally. Sometime during the middle of March, I had occasion to consider this matter and I asked Pat Gray. Gray told me on that occasion that he had received no information from John Dean other than that which was given to the agents.

Today I again raised the matter with Pat Gray and told him specifically what Dean had stated to the prosecutors who are debriefing him. Gray emphatically denied that he had ever received any information from Hunt's office from John Dean. Gray states that all the information and records recovered from Hunt's office were received by agents of the FBI in the normal course of business.

Bob Haldeman

With respect to Bob Haldeman's alleged involvement in the Watergate Dean states that in December of 71 or early parts of January 1972 there were a series of meetings, three in number, with John Mitchell which took place in Mitchell's office.



- 2 -

Present were Liddy, Magruder, Dean and Mitchell. At each of these meetings the Liddy operation was discussed. The purpose being to obtain information about Democratic presidential contenders. On the first two occasions Mitchell refused to authorize the budget proposals. The first being \$1,000,000 and the second \$500,000. On the third occasion Mitchell approved the reduced budget of \$300,000. The operation was described as "gemstone." Magruder says the budget information was given to Strachan. Magruder also says that information given to Strachan was for delivery to Haldeman. Magruder is not in a position to say that Strachan actually delivered the information.

Dean states that after the second meeting with Mitchell, Liddy and Magruder, he returned to the White House and relayed to Bob Haldeman the nature of the proposals being discussed and stated that we ought not to have any part of them. Dean states Haldeman agreed but apparently no one issued any instructions that this surveillance program was to be discontinued.

Magruder further states that he caused to be delivered to Strachan for transmittal to Haldeman a summary of the intercepted conversation. Again Magruder is not in a position to say that Strachan actually delivered the information to Haldeman. Magruder does say that the nature of the information was such that it was clear that it emanated from intercepted telephone conversations.

#### Strachan

Strachan appeared at the U. S. Attorney's office was informed of his rights and ~~advised~~ was questioned by the prosecutors concerning the Haldeman allegation. Despite considerable fencing Strachan refused to discuss the matter and he was excused by the prosecutors with instructions to obtain legal counsel and return this afternoon.

## EXHIBIT NO. 148

July 2, 1971

MEMORANDUM FOR: H. R. HALDEMAN

FROM: CHARLES COLSON

SUBJECT: Howard Hunt

The more I think about Howard Hunt's background, politics, disposition and experience, the more I think it would be worth your time to meet him. I had forgotten when I talked to you that he was the CIA mastermind on the Bay of Pigs. He told me a long time ago that if the truth were even known, Kennedy would be destroyed.

If you want to get a feel of his attitude, I transcribed a conversation with him yesterday on it. Needless to say, I did not even approach what we had been talking about, but merely sounded out his own ideas.

Conversation with Howard Hunt, July 1, 1971

- H. Hello, young man, how are you?
- C. Well, I'm doing alright. Haven't talked to you in a dog's age.
- H. That's right, too long.
- C. Tell me something, as a good observer of the political scene, what do you think of this Ellsberg prosecution?
- H. I think they are prosecuting him for the wrong thing, possession. Isn't there a phase of the law that, aspect of the law, that focuses it on the theft aspect rather than just mere possession?
- C. I don't know, it may be that there can be stiffer charges as the investigation develops.
- H. I want to see him prosecuted. I do, that's how I feel about it; what I think is good for the Administration may very well be two different things and I gather that's what you're asking.
- C. Do you think this guy is a lone wolf?
- H. Yes, I do with the exception of the eastern establishment which certainly aided and abetted him. I think the whole thing was all mapped out well in advance. Don't you?
- C. Do you think conspiracy here of people, you know, you've mentioned before the bureaucrats conspiring against the President?
- H. Yea, yea, well when I first heard about this I assumed that Mort Halpern was responsible and then his name came out but in an ancillary way. Of course, I never knew the guy. One of the things that's fascinated me about Ellsberg is that he is an employee of CENIS—
- C. Who?
- H. The Center for International Studies at MIT which of course for many years was funded by the CIA and—
- C. Not any more?
- H. Well, that I don't know. It may be like Radio Free Europe and Radio Europe, those are things of the past. But it seems to me indispensable that he be prosecuted, but how he's going to avoid prosecuting Artun Sultzberger and people like that.
- C. Why avoid it?
- H. Well, I don't know. If there is a good clear case rather than an "iffy" one I certainly would go for it. I think that the temper of the country is certainly such that it's required. I think there is a great deal of dismay and concern among the, let's say, the silent majority, that is our principal constituency that this hasn't been done, that it be expanded to include these people.
- C. One question that occurs to me. This thing could go one of two ways. Ellsberg could be turned into a martyr of the new left (he probably will be anyway), or it could be another Alger Hiss case, where the guy is exposed, other people were operating with him, and this may be the way to really carry it out; we might be able to put this bastard into a helluva situation and discredit the new left.
- H. It would a marvelous way if we could do it, but of course, you've got the *Times* and the *Post* and the *Monitor* and all sorts of things.
- C. They've got to print the news, you know, if this thing really turns into a sensational case.
- H. Well, you of course, you're in a much better spot to see how the Administration stands to gain from it and at this point, I would be willing to set aside my personal yen for vengeance to make sure that the Administration profits from this. Now it's turned out, I gather from noonday news reports, it's become apparent that JFK was the guy who slid us into this thing back in May or so of 1961.
- C. Hell, you know that from where you were.
- H. I knew that, yes, but it had never surfaced before.
- C. Let me ask you this, Howard, this question. Do you think with the right resources employed that this thing could be turned into a major public case against Ellsberg and co-conspirators?
- H. Yes, I do, but you've established a qualification here that I don't know whether it can be met.
- C. What's that?
- H. Well, with the proper resources.
- C. Well, I think the resources are there.
- H. Well, I would say so absolutely.

- C. Then your answer would be we should go down the line to nail the guy cold?
- H. Go down the line to nail the guy cold, yes. As, and you know, many people, far many more than myself have referred to the Otepka case you know as, by way of envidious [sic] comparison. Here Otepka gave a few documents to a legally constituted Senatorial Committee and he's been hounded ever since and as Jack Kilpatrick said a few nights ago in his column, it depends on whose ox is being gore [sic].
- C. Well, that's right. They pilloried [sic] this guy for a lot less than what these guys did. I just have the feeling that the Administration vs. the press issue is now over with and for better or worse, I don't think it hurt us at all, frankly because anybody who would turn against us because we're anti-press, we've already turned them against us.
- H. You're absolutely right.
- C. And that at this point, the profit to us in in nailing any son of a bitch who would steal a secret document of the government and publish it or would conspire to steal it . . . .
- H. . . . or aid and assist in its . . . .
- C. And that the case now can be made on that grounds where I don't see that we could lose.
- H. It has to be made on criminal grounds and . . . .
- C. It also has to be this case, won't be tried in the court, it will be tried in the newspapers. So it's going to take some resourceful engineering to . . . .
- H. Well, I would think that Jack Kilpatrick would be very amenable to an approach of this nature. You probably know him, don't you?
- C. Oh, sure, I know all those guys well.
- H. I saw him on a hastily convened television panel against Wechsler and Kilpatrick is awfully, awfully good on this. He's a very clear thinker, he's got a legal background, too, I believe.
- C. Well, I just wanted to get your reaction to this out of curiosity and we hadn't talked about it.
- H. I want to see the guy hung if it can be done to the advantage of the Administration.
- C. I think it can be done, I think there are ways to do it and I don't think this guy is operating alone.
- H. Well, of course, he isn't operating alone. He's got a congeries [sic] of people who are supporting him, aiding and abetting him, there's no question about it.
- C. But, I'm not so sure it doesn't go deeper than that.
- H. Oh, really? You're thinking of like O'Brien or . . . .
- C. Oh no, I'm thinking of the enemy . . . .
- H. . . the real enemy. Well, of course, they stand to profit more, the most, no question about it. You've got codes and policy making apparatus' stripped bear for public examination, all that sort of thing. Supposing we could get a look at these documents from inside the Kremlin or Peking. Helms could be retired forthwith and you'd cut down 90% of our expenditures over across the river. That's right, you won't need them anymore. If you've got that kind of thing. You don't need much more.
- C. I think there is a fertile field here and I just thought I'd try it out on you to see what you thought of it.
- H. Well, as I say. I'm of two minds on it. One, visurally I want to see this guy hung. My more cautious and reflective self says "let's not do it unless we can do it to the profit of the Administration".
- C. Absolutely. What do you think of doing, the idea of declassifying a lot of these old documents now?
- H. I think it's a fine idea. I'm all in favor of it and I would particularly like to see the Bay of Pigs stuff declassified including the alleged agreement that Castro made with JFK.
- C. Because you were a part of that and knew it was a phoney [sic].
- H. Sure.
- C. Listen, I think nobody is going to get hurt by this except the other side.
- H. Let's hope so. This has been very depressing as you can imagine to me and I've just been assuming that you have been involved up to you know what in this whole thing so far.
- H. Weren't you the guy who told me, maybe the last time we were up to your house for dinner, that if the truth ever came out about Kennedy and the Bay of Pigs, that it would just destroy them?

- H. Yea, I've written my memoirs of that, but, of course, I never published them. I've just been holding them for the edification of my heirs and assigns and possibly some university research institute eventually after I. . . .
- C. Might want to talk to you about that. Howard, I'll be back to you.
- H. Please do, and listen, I brought up about a month ago, several many pounds of fine, stone crabs. When are you going to come over and have them. . . .
- C. Well [sic] do it. I've never had so little time in my life.
- H. Okay, thanks for calling.



**EYES  
ONLY**

Conversation with Lucien Conein, July 9, 1971

- H. Hello, there.  
 C. Hi, who's this?  
 H. The reason I'm not identifying myself is because although the phone at this end is secure, I don't know about yours. We had a little drinking yesterday.  
 C. Oh, fine.  
 H. I hope you got more dinner than I did.  
 C. Oh, I got a beautiful dinner. Why, didn't you get any?  
 H. Well, no, I got out of here kind of late and by then . . .  
 C. Well, you didn't get out any later than 8:30?  
 H. It was between the cocktail hour and the general evening activities down in Georgetown, and I ended up with a ham sandwich and a scowl from my wife.  
 C. Oh, and she blamed it all on me, I suppose.  
 H. Well, hardly, she blamed it all on good times and the fact that that we used to go jumping together. No, I was seriously concerned about the hour because I felt I kept you overtime and I know that you had guests waiting and all that. Well, listen, I've been going over some of my notes. Can I take about 5 minutes of your time?  
 C. Sure, go ahead.  
 H. And I have a colleague of mine here whose name is Fred Charles. He's on the other line, he's in security, and we're interested in a couple of things. And let me just . . . say hello, Fred.  
 FC. Hi, how are you? Sorry I wasn't with you yesterday.  
 C. Well, I'll tell you what, I didn't know that our dear President served Cutty Sark.  
 H. Well, these things happen, you know and it's all for the best. Well, look, during the period we were discussing yesterday, did you come back to Washington at all in that period.  
 C. I didn't take home leave. I came back for a conference around the 9th or 10th of January of 1964 at which time I met with different officials of the United States Government including Governor Harriman, Forrestal, Hilsman, Kattenberg, Krulak, some people over in the Department of Defense and . . .  
 H. Mac Bundy?  
 C. McGeorge Bundy, yes, and I had quite a session with McGeorge Bunday [sic] which lasted about 2 or 3 hours.  
 H. Oh, really, that must have been pretty interesting.  
 C. Yes, it was. I found him a very interesting guy to talk to. You know, we were talking about the thing and . . .  
 H. Oh, sure, he's a helluva bright guy. A lot brighter than Bill, I think we agreed.  
 C. Oh, there's no comparison between the two. And then I left around the 25th and arrived in Saigon the day after Nuyen Can [sic] had pulled his coup.  
 H. Uh, huh.  
 C. And I did not return to the U.S. until I was relieved by Ambassador Taylor on September the 12th of 1964.  
 H. You've got a helluva memory, man, you know that?  
 C. Yeah, because every time that I can remember things there was a coup on, an attempt, on the 13th of that month.  
 H. It has nothing to do with astrological signs and concatenations. Well, when you were back for that long session, you posed an interesting thought yesterday on something that sounded entirely logical to me. I'd never heard it espoused before, and it had to do with your thoughts that the Catholicism of the then President was a factor.

- C. Yes, well this was a thing that I just myself thought that was the factor which was why they were so pressured, should I say. There was so much interest voiced in keeping track of what was going on among the different coup groups. And it was obvious that if there wasn't a change made, nobody ever told me this, this is my . . . .
- H. You never heard any echoes of this from anybody like Bundy or anybody . . . ?
- C. No, I never heard any echoes of that from Governor Harriman or from . . . and I also saw Sullivan and I saw Leonard Unger. I talked to a lot of people.
- H. Well, you also mentioned this curious figure Vann, and I noticed from my notes I've got this involvement with this girl Germaine. There are two restaurant owners, two Corsican restaurant owners involved. Right? One is named Nicolai and the other . . . .
- C. The owner. His manager is the lover of the Germaine girl who was tied up with Ellsberg, and this is how John Paul Vann got into all this because Dan Ellsberg and John Paul Vann were great buddies, you know, in the beginning, and they were all during the time we were out there.
- H. Well, how the hell could a man like Vann who'd quit the Army as a matter of principle, how could he be hired back on by USAID for a sensitive position.
- C. Oh, this I don't know. This, my friend . . . .
- H. Doesn't that astonish you?
- C. Oh, yeah, especially in a high position that he went into. I can understand a guy like Bill Colby who's a professional man in his own right to be put into a high position. You see, at the time David Halberstam wrote a terrific article on John Paul Vann when he quit the Army, you know, he was telling everybody they didn't know how to fight the war, that sort of thing. But, I mean it's public knowledge of what he did, and then all of a sudden he appears as a very important civilian.
- H. That wouldn't have happened under this Administration, though.
- C. No, sir.
- H. That would have been in the Johnson era?
- C. That's right, sir.
- H. I'll be darned. Well, I'm getting very curious about that guy and what his connections with Ellsberg would have been. I mean other than that they, I gather, kind of did the town together and . . .
- C. . . . and so forth. But they have known each other, or had known each other before. Vann was becoming a controversial figure because Vann was an adviser to one of the military units over there and made a great big splash, you know, on criticizing the Vietnamese Army, and became quite a controversial figure in the military circles. And he quit the military.
- H. He was a military career man, more or less?
- C. Yeah, then he quit the military and then he was hired, sent out and he became, when CORDS, now this was under Rober Komer, he came out as the original CORDS. At first they called it OKLE, that was in 1966, I believe, late 65 or early 66. That's when it was, late 66, October or November of 1966, that John Paul Vann was assigned to the Third Corps or the Third Region which is based in Bienhoa, and it was during, prior to this moment, before he was assigned, that he and Ellsberg became, you know, they knew each other and became very close friends. Then after this they still kept up their friendship, and of course it continued until the days of 1968 that Ellsberg left, and now, John Paul Vann transferred about a year ago, year and a half, he transferred from the Third Corps to the Fourth Corps and he has just recently transferred from head civilian coordinator from the Fourth Corps and he is now with the infamous General Nho Dzu, the one that was in the newspapers for participating in drug traffic . . .
- H. You gave me his name yesterday, but I didn't realize he was the one involved in drug traffic.
- C. Yeah, he was denounced in Congress and in something that went on with Attorney General Mitchell yesterday.
- FC. Do you think that Ellsberg or Vann had any connections with the drug trafficking?
- C. No, I wouldn't swear to it, but I would be positive that, one of the things I will say about John Paul Vann, is that he is, you might call him like the rest of us on morals—he slip there once in awhile, we might have a few too

- many to drink or pinch some babe's fanny—but no sir, I wouldn't every [sic] say that he was that. He's not that kind of guy.
- H. It's interesting to me because Ellsberg and Vann were involved with the Corsican, Nicolai, he used opium or smuggled it from Cambodia, so there are two connections . . . .
- C. He (Nicolai) was an opium addict, too, in addition to that.
- H. How about Germaine, was she by any chance an opium addict?
- C. This I don't know. I never knew Germaine that way.
- H. I'm surprised you didn't.
- C. Now, my friend, World War II is over with, I was 25 or 26 years old then!
- H. I don't know about that. We're just mere boys as far as I'm concerned.
- C. Oh, yeah, sometimes I think I'm a mere boy and then I wake up the next morning I realize that the ages are catching up on me.
- H. Well, you don't want to be discouraged because I think there are big times ahead for everybody. I have another question, now. When you were back here—and also in your very intimate dealings with Lodge—did you have any occasion to see any of the cables that passed between them?
- C. No, the only cables that I would ever see would be the ones that would be passing between Mr. Bundy, you know, and which pertained to my instructions. Sometimes—at one time, I remember one very important cable that came out, gave me an operation course by numbers, by cable, you know, how I should conduct myself, counter-surveillance, and you know, one of those things. But what the Ambassador wrote, or what was written back to him, except as it pertained to me, as it pertained to my instructions from the Ambassador, he would sometimes read it off to me and sometimes he would say, hey read this. But, he never handed me a cable to take anyplace, so despite what it says in the newspapers, just never happened.
- FC. These were coming from Harriman?
- C. Well, some of it was coming from McGeorge Bundy, at one time.
- H. Through a State channel or through yours (CIA)?
- C. Well, most of the traffic that was coming through State, came through State, was from . . .
- H. McBundy traffic came through State.
- C. But there was some traffic that would come to Lodge that would come through our channels. Now when it came through our channels it was actually on account of the sensitive thing of it. It was very limited distribution. I mean it was the ambassador, and the deputy . . .
- H. Using the special (CIA) channels?
- C. Yeah, using that special channel. That was very limited and I'm sure, well I know I've seen some of the cables, but I was never in a position, you know, where I had complete access to all. . . .
- H. Well, you wouldn't have needed it actually for your function.
- C. No, the only thing I was told was what pertained to me.
- FC. Well, that would relate to the time the coup took place, the Diem coup?
- C. Right. Prior to it, this is what happened. There was a lot of traffic, most of the traffic that was going on since the 8th of May 1963, July of 1963, and also early August of 1963, now a lot of that traffic was put together through the CAS channels. And this was sent through CAS and I don't know how it was distributed, that never entered . . . The only function I ever had to do with traffic, would be that part that I would add, you know, because there would be weekly Sitrep and I would have a part to add into that. The other thing that I would participate in would be when we had to get an overall view of political, economic, and military situations in a wrap-up, and I would have parts of it to contribute into that. The other cable traffic . . .
- H. Well, you know how it's handled.
- C. Oh, sure, you don't see anything unless it's your business.
- H. That's right, yeah.
- H. Except that you had this unusual relationship with Lodge where he'd be showing you cables and chatting back and forth.
- C. We started chatting quite a lot in the latter part of August after he arrived. I met him the day after he arrived and then it dropped off in September, and then toward the latter part of September 1963, things started getting hot again, and then right—and I can't remember the dates—but I'd say about the first ten days of October, was when we started receiving some very heavy

instructions to the Ambassador which was relayed to me to carry out in the Ambassador's name.

- H. This was conveyed to you verbally?
- C. Sometimes it was and sometimes he'd show me a paragraph, sometimes he'd hand me the cable, you know, it all depended. For example, when the cables came in by the numbers on how I should conduct myself, he handed me the whole thing because it was all about it. But if it was a paragraph, he'd fold it and he'd show me just that paragraph.
- FC. Do you know who the instructions came from?
- C. I don't know who they came from.
- H. Well, wouldn't they normally have originated up in Harriman's office?
- C. They would usually originate from Harriman's office, I know that. Some came in from Hilsman, that I do know.
- H. How could you differentiate those?
- C. Well, the way to differentiate was because at one time we had a big controversy that happened on a weekend. There was one set of orders that came out through Hilsman and another contrary set came out through DOD channels, and this clashed. You see. And if I remember properly the reason, then I was taken to MACV at 7:00 one morning to see the cable that came in from Maxwell Taylor who at this time was Military Advisor which gave contrary instructions.
- H. Which were presumably Bobby Kennedy's instructions.
- C. And they were contrary to those. And that day I was supposed to meet Big Minh.
- H. And this was having to do with the coup itself?
- C. Yes, sir. And this created quite a flap.
- H. So that Max Taylor was saying one thing, and State was saying something else? And you characterized Max Taylor as being Bobby's spokesman . . . ?
- C. This is what I assumed, because of their relationship and also that it sort of had more caution in it, you know.
- H. Max was in an uncomfortable position then anyway. He was going against his own military classmates, his Korea pals, like Harkins. (skipped or missed part of the conversation.)
- FC. Are the media still harassing you?
- C. Oh, Yes.
- FC. Are they bothering you a little still?
- C. Well, yes.
- H. Since you and I talked yesterday?
- C. Oh, yeah. Well, I've had two calls, I've had a call from the *New York Times* and also a call from *Newsweek*.
- FC. I'll be damned.
- C. They're going to publish a story on Lansdale and me in *Newsweek*, and the *New York Times* wants to do a magazine section on who is this guy Conein anyhow . . . this kind of thing.
- H. Well, where are they going to dredge up the material?
- C. I don't know.
- H. You're pretty famous, you know. Guys like to learn all about you. But David Halberstam is still around the Eastern Seaboard, he could have an input couldn't he? Well, you can bet it's not going to be a very flattering piece, Lou.
- C. I'm betting on a lot of things. Well, I don't know about what *Newsweek* is printing. I think they're printing up the '54-'56 period.
- H. You planted a thought with me yesterday that I've been turning over in my mind. Let me ask you this: You and I are both retired, but you have a double retirement, right? Supposing you were to go on, let's say a consultant status, how would that effect your retirement benefits?
- C. I don't know, I don't know, I really don't know. The thing is, the problem that I stated yesterday is not a question of things, it's a question of having the proper objectives.
- H. Oh, sure, sure, sure, I understand that. But you know, you said you were looking around for something to do in the next 6 months or so until things cleared up. Well . . .
- C. That's for the . . . like I said I'm seeing Larry Houston the first of next week, and that's one of the things I'm going to bring up to him.
- H. Well, that's a good idea. Larry is a very, very square and decent guy, you know. I don't know how much you've dealt with him. I've dealt. . . .

- C. I have never dealt with him.
- H. Well, even before I met you, he and I had offices across the corridor from each other in General Donovan's old office. So that goes back quite a long time.
- C. It sure does.
- H. Lou, I'm very much obliged to you, I don't have anything else to put in, and I thank you so much for the clarification.
- C. O.K.
- H. And if anything comes up, if you have any harassment, trouble, things trouble you, please give me a call.
- C. O.K. Will do.
- H. All right, fine. Thank you so much.
- C. 'Bye.

EXHIBIT No. 150

EYES ONLY

July 28, 1971

MEMORANDUM FOR: CHARLES COLSON  
FROM: HOWARD HUNT  
SUBJECT: Neutralization of Ellsberg

I am proposing a skeletal operations plan aimed at building a file on Ellsberg that will contain all available overt, covert and derogatory information. This basic tool is essential in determining how to destroy his public image and credibility.

Items:

Obtain all overt press material on Ellsberg and continue its collection;

Request CIA to perform a covert psychological assessment/evaluation on Ellsberg;

Interview Ellsberg's first wife;

Interview Ellsberg's Saigon contacts: the restaurant owner, Nicolai, and his mistress whom Ellsberg coveted;

Request CIA, FBI, and CIC for their full holdings on Ellsberg;

Examine Ellsberg personnel files at ISA (Pentagon) and the Rand Corporation, including clearance materials;

Obtain Ellsberg's files from his psychiatric analyst;

Inventory Ellsberg's ISA and Rand colleagues; determine where they are, and whether any might be approachable.

I realize that, as a practical matter, not all the foregoing items can be accomplished; even so, they represent desiderata.

## EXHIBIT No. 151

~~Ex 149~~  
Ex 150

## A F F I D A V I T

I, E. HOWARD HUNT, having been duly sworn do hereby  
depose and state as follows:

1. I understand that allegations and statements have been made to the effect that Charles Colson, former Counsel to the President, had prior knowledge or in some way was involved in, or participated in, the break-in at the Democratic National Committee Headquarters at the Watergate Hotel on June 17, 1972...

2. I never at any time discussed with Mr. Colson any plans with respect to this incident.

3. I have no knowledge whatever, personal or otherwise, that Mr. Colson had any prior knowledge whatever of this incident. To my knowledge, no one else ever discussed this matter with him prior to June 17, 1972.



---

E. HOWARD HUNT

SUBSCRIBED AND SWORN TO

BEFORE ME THIS 5th

DAY OF April, 1973.

Nancy V. Dumas

My Commission expires Sept. 29, 1976

Conversation with Howard Hunt, late November, 1972

- H. . . . Hi,  
 C. How we doing?  
 H. Oh, about as well as could be expected. How are you?  
 C. Just about the same. Trying to hold the pieces together.  
 H. Congratulations on your victory.  
 C. Thank you. I'm sorry that we haven't been celebrating it together with some good champagne and some good Scotch, but . . .  
 H. There may yet come a time.  
 C. There may, I assure you. Before you say anything, let me say a couple things. One, I don't know what is going on here, other than, I am told that everybody is going to come out alright. That's all I know. I've deliberately not asked any specific questions, for this reason. That I have my own ideas about how things will turn out and I'm not worried about them and you shouldn't be, but I've always thought that if it came to an open trial, that I would want to be free to come into it and character and testimony and etc. etc. This way, the less details I know of what's going on in some ways the better.  
 H. I appreciate that.  
 C. If you follow. So, I have tried to stay out of asking specific questions and it's very hard for me to do that for the reason that you're an old and dear friend and I'm sure you regret [sic] the day I ever recommended you to the White House.  
 H. Not in the least, Chuck, I'm just sorry that it turned out the way it did.  
 C. Well, I am too, obviously and I hope to hell you had nothing to do with it and I've clung to that belief and have told people that and if you did have anything to do with it, I'm goddamn sure it's because you were doing what you were told to do.  
 H. That's exactly right . . .  
 C. Because you're a loyal soldier obviously and always have been . . .  
 H. Would you be willing to receive a memorandum from me?  
 C. Yea . . . the only . . .  
 H. Because I think it might help you.  
 C. Except there are things you may not want to tell me.  
 H. No, there's really nothing I don't want to tell you. I would think that you could receive this memorandum, read it and destroy it.  
 C. Nope.  
 H. You couldn't do that?  
 C. Nope. The reason I can't is the same reason your letter to me, when I got that and then I was asked by Federal authorities, did . . . had I had any communication and I said yea I've received this letter and here it is. I can't and you can't get in the position where you're purguring [sic].  
 H. No, of course not. And I'm afraid John Mitchell has already done.  
 C. The problem is, you see, I don't want to get into the position of knowing something that I don't now know for the reason that I want to be perfectly free to help you and the only way I can help you is to remain as completely unknowing as I am. See, my problem . . . let me tell you the problem. Is that . . . I could do you a lot more good by not . . . by honestly being able to testify that I don't know, I just don't know the answer and I don't. And right now I don't know anything about the goddamn Watergate. Now, supposing Teddy Kennedy holds his hearings and I get called up there. Well, I can't refuse to answer and I wouldn't. I'd answer I just don't know. I have no idea what happened and I don't.  
 H. Of course I'm never going to be put on the stand, as it stands now.  
 C. That's right.  
 H. And so I won't have the opportunity to say one thing or another.  
 C. You don't want to.  
 H. You wouldn't be willing to talk to my attorney? Wouldn't that be a different affair?



- C. Uh, I don't know, Howard. I don't know whether it is or it isn't. He would know best.
- H. That was a suggestion of his.
- C. Well, hell, I'll talk to him. That's not a problem. I'll be glad to talk to him. I'm sure that you're being watched.
- H. Oh, I am too.
- C. And not by federal authorities. I'm sure the Washington Post is watching you.
- H. Oh, yea. Well, the reason I called you was to make . . . to get back to the beginning here is because of commitments that were made to all of us at the onset, have not been kept, and there's a great deal of unease and concern on the part of 7 defendants [sic] and, I'm quite sure, me least of all. But there's a great deal of financial expense that has not been covered and what we've been getting has been coming in very minor gibbs and drabs and Parkison, who's been the go between with my attorney, doesn't seem to be very effective and we're now reaching a point of which. . . .
- C. Okay, don't tell me any more. Because I understand and . . .
- H. These people have really got to . . . this is a long haul thing and the stakes are very very high and I thought that you would want to know that this thing must not break apart for foolish reasons. Oh, no . . .
- C. Oh, no, everybody . . .
- H. While we get third, fourth hand reassurances, still the ready is not available [sic]. That's the basic problem.
- C. I follow you. Okay, you told me all I need to know and I can . . . the less I know really of . . . what happened, the more more help I can be to you.
- H. Alright, now we've set a deadline now for close of business on the 25th of November for the resolution on the liquidation of everything that's outstanding. And this . . . they're now talking about promises from July and August. It just has been an apparent unconcern. Of course we can understand some hesitancy prior to the election, but there doesn't seem to be any of that now. Of course we're well aware of the upcoming problems of the Senate and . . .
- C. That's where it gets hairy as hell. See, for your information, Howard, . . . of course this thing has hurt us all because everybody . . . it's just unfortunate as hell, but the Democrats made such an issue out of the whole . . .
- H. Well, on the other hand, it kept them from the real issues.
- C. Well, I always thought when I write my memoirs of this campaign, that Im [sic] going to say that the Watergate was brilliantly conceived as an escape that would divert the Democrats' attention from the real issues and therefore permit us to win a landslide that we probably wouldn't have had otherwise. Seriously . . .
- H. Whether you believed it or not.
- C. No, listen, I think there's a good bit of validity to that.
- H. I do too.
- C. Dumb bastards were on an issue that the public couldn't care less about.
- H. See, I haven't known at any time what sort of an input you were getting from Dean and other people about who was responsible. . . .
- C. Minimum.
- H. . . . about who was responsible for all this.
- C. Minimum for very good reasons because if somebody told me . . . let me tell you the position I'm in. Whether I stay in the White House for a while or whether I leave, doesn't matter, I want to be in a position to help you. Okay, that means I have to openly talk to people and no matter who it is, from a character standpoint or anything else, be able to say things about you that I want to say. Now, I can't do that the moment I know something that makes it impossible for me to talk to people and the moment that I know something that makes it impossible for me to talk to people, then I've got to be kept in the background and can't talk and I want to talk, so long as I can help you and I'm going to see that you don't get a bad break out of this and I'll tell you sometime about that.
- H. I would hope that somewhere along the line the people who were paralyzed initially by this within the White House could now start to give some creative thinking to the affair and some affirmative action for Christ sake.
- C. That's true.

- H. I think now is the time for it and we expect it now and we want it and the election is out of the way, the initial terror of the number of people has subsided. Some people have already left the Administration and that's all to the good. So, now it's pared down to the point where a few people ought to really be able to concentrate on this and get the goddam thing out of the way once and for all because I don't want to bore you with what it's been like, but it hasn't been pleasant for any of us.
- C. Jesus Christ, I know it. I hope you're doing some writing to keep yourself busy.
- H. Oh, I am. I don't know if anything will ever come of it, but it's a good . . . it keeps my mind from my plight, let's put it that way. So that I was never clear in my own mind, and I'm still not, and . . . that one of the initial outputs that I had read about was that while this is done by a bunch of wild assed guys and so forth . . . well, that's fine for we're protecting the guys who are really responsible, but now that that's . . . and of course that's a continuing requirement, but at the same time, this is a two way street and as I said before, we think that now is the time when a move should be made and surely the cheapest commodity available is money. These lawyers have not been paid, there are large sums of money outstanding. That's the principal thing. Living allowances which are due again on the 31st of this month, we want that stuff well in hand for some months in advance. I think these are all reasonable requests. They're all promised in advance and reaffirmed from time to time to my attorney and so forth, so in turn I've been giving commitments to the people who look to me and. . . .
- C. I'm reading you. You don't need to be more specific.
- H. I don't want to belabor it.
- C. No, it isn't a question of that, it's just that the less specifics [sic] I know, the better off I am . . . we are, you are.
- H. So, Parkison is out of town until next Monday, at which time a memorandum is going to be laid on him and he's going to be made aware . . .
- C. I'll tell you one thing I've said to people, and I just want you to know this because I think it's important. I've told people the truth that I've known you for a long time, that I've considered you a personal friend, you're a person in whom I've had high regard and high confidence, a patriot, real patriot, and that had you ever been the one masterminded [sic] this, it never would have fallen apart, that the reason that I am convinced, and I told this to the federal authorities on the grand jury, the reason that I'm convinced that you Howard Hunt never had a goddamn thing to do with this or if; you did, it was on the peripheries, is that if you ever did it, you would do it a lot smarter than this and that I've know [sic] . . . .
- H. Chuck, if I had had my say, it never would have been done at all. Let me put it that way.
- C. Say no more.
- H. . . . the position of another fellow too.
- C. Say no more.
- H. . . . high risk ballgame.
- C. Well obviously I never knew about . . .
- H. That's right and I've always maintained to my attorney who of course has my complete confidence in this matter, that you absolutely had nothing to do with it.
- C. If I had ever known it was coming I would have said to you as a friend, if some asshole wants to do this, fine, but don't you get involved. I mean, if you and I, if we've ever had a conversation like that, I would have said, my God, . . . but the point I've made is that you're a smart . . . among many other qualities, you are a brilliant operator and brilliant operators just don't get into this kind of a thing, so I've held and I was asked . . . and this is why I don't want to know any different, this is why I was asked by the Bureau, well, what about Hunt? And I could honestly say, look, I've known this guy a long time, he's a very smart fellow and I can't for the life of me conceive that he would ever get himself into this kind of situation, so I want to be able to stay in that position. That's why I don't want you to tell me anything beyond that. Give my love to Dorothy, will you?
- H. All right I will.
- C. I know it's hard on you and the kids and . . . .
- H. It's awful tough. My daughter up at Smith is really getting a rough time.
- C. Is she really?

- H. Very, very hard time.
- C. Well, you know, I'll tell you, I find it's only the rough experiences in life and you've had your share of them, god knows, that really harden you and make something out of you, and you learn by them and become a better man for it and we'll talk about that. You'll come out of this fine, I'm positive of that.
- H. Well, I want all of us to come out of it, including you.
- C. My position, I suppose has been hurt in one sense, that I've been publicly but obviously people around here know I didn't have anything to do with it, but so be it. We'll all come out of it, don't worry about that. That's the last thing to worry about and I understand this message . . .
- H. If; you can do anything about it . . . I would think the sooner they can get moving on it the better. Good to talk to you. I'll discuss with Bittman whether he still feels he needs to talk with you.
- C. Alright and as soon as I feel that the situation, the future of the thing is clear enough that you and I can get together, we'll damn well do it, but I don't want to do it pre-maturely because it will limit my ability to help you.
- H. Chuck, I understand that completely. L [sic] That's why I never tried to get in touch with you.
- C. Im [sic] in a better position to help you if I can honestly swear under [sic] oath, which I can do, because I don't know a goddamn thing about it and I don't. And as long as I'm in that position then I can say what kind of a guy I think Howard Huhnt [sic] is and why I think this is a bum wrap.
- H. Okay. Is your family alright?
- C. Doing fine.
- H. Your boy's doing well in school I understand.
- C. Doing great and he's at Princeton. He's taking a lot of heat, just like your talking about.
- H. Oh, he must have.
- C. When . . .
- H. The only counsel I can give my daughter is that people that will do that sort of thing are the kind who would pull the wings off flies and they're not really the sort of people she would really want to have as friends or even associates in any case.
- C. I said the same thing to my son, when the indictments were announced, he said everybody at Princeton said, "oh, you're old man beat the wrap" . . . Isn't that great? Doesn't that make you feel wonderful? I said the same thing to him and he's gotten so he doesn't . . . he figures that the price you pay for serving your country and you take the good with the bad, so if; you believe in what you're doing, that has to be the ultimate consolation for all of us.
- H. It does indeed. Are you going to be able to take some time off?
- C. God, I hope so, howard [sic]. I'm planning to in December some time. If I can possibly get out of here. Well, you take care of yourself and don't let it get you. Don't let it wear down that great spirit and we got the President in for four years and thank God for the country we do.
- H. Exactly.
- C. You know, when you go to sleep at night, you can put up with a lot of personal grief if you think that . . . there are always things bigger than yourself. That's really true. The moment in life when things are not bigger than yourself, then you're all washed up. Even I know that.
- H. I know. I spent a lifetime serving my country and in a sense I'm still doing it.
- C. Damn right. Alright, pal, we'll be talking to you.
- H. Okay.

## EXHIBIT No. 153

HOWARD HUNT

December 31, 1972

By Hand

Hon. Charles W. Colson  
Special Counsel to the President  
The White House  
Washington, D. C.

Dear Chuck:

The children and myself were touched by your letters, and we deeply appreciate your sympathy. I am unable to reconcile myself to Dorothy's death, much less accept it.

For years I was aware that I depended upon Dorothy, but only now do I realize how profound that dependence was.

Her death, of course, changes my personal equation entirely, and I believe that my paramount duty now and in the future is to my children, particularly to my 9-year-old son who was unusually dependent upon his mother, particularly since last June's tumult began.

I had understood you to say that you would be willing to see my attorney, Bill Bittman, at any time. After my wife's death I asked him to see you, but his efforts were unavailing. And though I believe I understand the delicacy of your overt position, I nevertheless feel myself even more isolated than before. My wife's death, the imminent trial, my present mental depression, and my inability to get any relief from my present situation, all contribute to a sense of abandonment by friends on whom I had in good faith relied. I can't tell you how important it is, under the circumstances, for Bill Bittman to have the opportunity to meet with you, and I trust that you will do me that favor.

There is a limit to the endurance of any man trapped in a hostile situation and mine was reached on December 8th. I do believe in God - not necessarily a Just God but in the governance of a Divine Being. His Will, however, is often enacted through human hands, and human adversaries are arraigned against me.

Sincerely, and in friendship,

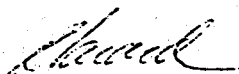


EXHIBIT No. 154

THE WHITE HOUSE

WASHINGTON

August 3, 1971

MEMORANDUM FOR: CHARLES COLSON

FROM: BUD KROGH AND DAVID YOUNG *dy*

SUBJECT: REFERENCE THE MEMORANDUM TO YOU  
FROM HOWARD HUNT DATED JULY 28, 1971  
ON NEUTRALIZATION OF ELLSBERG

We already have in train the following projects mentioned in the Hunt memorandum.

(1) A complete psychological assessment and evaluation of Ellsberg by CIA.

(2) We are continuing to collect all press material on Ellsberg.

(3) There have been several interviews with Ellsberg's first wife, and we are in the process now of getting transcripts.

(4) We have asked the FBI to pull together all their holdings on Ellsberg.

We will look into the other suggestions which Hunt made.

## EXHIBIT No. 156



# The Detroit News

Owners and Operators of WWJ-AM and FM and WWJ-TV

THE HOME NEWSPAPER

WASHINGTON BUREAU  
511 NATIONAL PRESS BUILDING  
WASHINGTON, D.C. 20004  
AREA 202 NATIONAL 8-4566

September 25, 1973

## AFFIDAVIT

I, Jerald F. terHorst, hereby swear and depose that:

Under questioning yesterday, September 24, by Mr. Dash, committee counsel, Mr. E. Howard Hunt acknowledged that he had prepared "a derogatory article on Mr. Leonard Boudin, Ellsberg's lawyer," which Mr. Charles Colson, then White House special counsel, intended to pass to a member of the press.

Under further questioning, Mr. Hunt testified that this derogatory material was used in an article, "authored by Mr. Jerry terHorst who represents one of the Detroit newspapers in Washington. It formed the second half of a story that Mr. terHorst was publishing on Ellsberg and Ellsberg's defense."

That declaration by Mr. Hunt is untrue and is a slur upon my professional reputation and upon the Detroit News.

The information which Mr. Hunt says he wrote about Mr. Boudin was supplied to me in August 1971, as I recall. It was written in spy thriller style and was obviously intended to reflect adversely upon Mr. Boudin and thereby on Mr. Ellsberg for retaining him as his lawyer. I read it and filed it.

More than five months later, on Jan. 30, 1972, The Detroit News published a story by me about the formation of the Ellsberg Defense Fund, in the process of which I interviewed two of Mr. Ellsberg's defenders, former New York Senator Charles Goodell and Mr. Boudin, among others. The information in my article came from them and public documents. It was in no way a derogatory story but I hope--and believe--it was an explanatory one about a very controversial matter--Dan Ellsberg's upcoming trial on the Pentagon Papers.

I categorically deny that the information gathered by Mr. Hunt, to quote him, "formed the second half of a story" that I was publishing on Ellsberg--as he testified before your committee.

I am enclosing with this letter copies of my story and the Boudin material which Hunt says he wrote, so that you and the other members of the committee may compare them. I am confident such a comparison will prove my point beyond any doubt.

Further, I am prepared to so testify under oath in open session before the Select Committee.


My reputation as an objective and fair reporter is my most precious possession. I cannot permit aspersions over national television to go unanswered, lest my silence be interpreted as assent.

In the interests of fair play, I appeal to you to allow me to set the record straight, in whatever fashion you deem appropriate, including the reading of this affidavit in open session of the committee.

  
Gerald F. terHorst

District of Columbia

Subscribed and sworn to before me this 25th day of September, 1973.

  
Notary Public

My Commission Expires Feb. 28, 1975

EXHIBIT NO. 157

August 11, 1972

MEMORANDUM FOR: JOHN DEAN

FROM: CHUCK COLSON

Attached is the first communication that I have received from Howard Hunt -- written or oral -- since the Watergate affair; in fact, since long before the Watergate affair. Obviously I have not acknowledged the attached nor do I intend to unless you think otherwise.



HOWARD HUNT

August 9, 1972

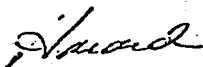
Dear Chuck:

In the midst of this imbroglio comes the thought that discreet reprisals ought to be taken against the HEW employees who insisted that I be removed from Mullen's HEW account. They did this on the 21st of June, pre-judging me, and resulting in my being fired by the Mullen Company. The latter move, of course, has the public effect of convicting me and seems gratuitous and unwonted.

The officials in question are both Democrats of the McGovern stripe: Dr. Edwin H. Martin of the Bureau of Education for the Handicapped, and Harvey Liebergott, his understrapper who works at the OE office in Boston, and is the project officer.

Let me say that I profoundly regret your being dragged into the case through association with me, superficial and occasional though the association was. What small satisfaction I can dredge up at the moment is the knowledge that I was <sup>not</sup> responsible for the affair or its outcome. All this pales, of course, beside the overwhelming importance of re-selecting the President, and you may be confident that I will do all that is required of me toward that end.

Sincerely,



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